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ATTACHMENT 3  
**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING AND BUILDING**  
**STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

MEETING DATE October 6, 2014	CONTACT/PHONE Megan Martin (805) 781-4163 mamartin@co.slo.ca.us	APPLICANT Damien and Katheryne Mavis, Patrick Arnold	FILE NO. CO 14-0021 SUB2013-00054
<b>SUBJECT</b> A request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The residences will be 25 feet in height above natural grade and will each have attached garages. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the south side of Avila Beach Drive on Colony Lane, within the community of Avila Beach, in the San Luis Bay Coastal planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Tentative Parcel Map CO14-0021 and Development Plan/Coastal Development Permit SUB2013-00054 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 21, 2014 for this project. Mitigation measures are proposed to address cultural resources, geology and soils, noise, public services/utilities, recreation, and transportation/circulation and are included as conditions of approval.			
<b>LAND USE CATEGORY</b> Residential Multi-Family	<b>COMBINING DESIGNATION</b> Archaeologically Sensitive, Local Coastal Plan Area, Coastal Appealable Zone	<b>ASSESSOR PARCEL NUMBER</b> 076-196-016	<b>SUPERVISOR DISTRICT(S)</b> 3
<b>PLANNING AREA STANDARDS:</b> Avila Beach Specific Plan			
<b>LAND USE ORDINANCE STANDARDS:</b> Minimum Parcel Size			
<b>EXISTING USES:</b> Vacant, undeveloped			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Recreation / Avila Beach Golf Course East: Residential Multi Family / Vacant South: Residential Multi Family / Residences West: Residential Multi Family / Vacant			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, General Services/Parks, Building Division, Cal Fire, HEAL SLO, Avila Community Services District, California Coastal Commission, Avila Valley Advisory Council.	
TOPOGRAPHY: Site is nearly level with one steep short slope across the northern third of the property.	VEGETATION: Non-native scattered grasses
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Avila Beach Fire	ACCEPTANCE DATE: May 9, 2014

### PROJECT HISTORY:

The project site is located on an existing legal lot within the “old railroad right of way” along Avila Beach Drive in the community of Avila Beach. The lots within this area were approved by a lot line adjustment in August 1997 and recorded by parcel (final) map at Book 54, Page 73. (This parcel is Parcel 11 of COAL 96-112).

### PROJECT DESCRIPTION:

The proposed project is a planned development which includes the subdivision of one approximately 6,000 square foot parcel into two parcels, and the subsequent development of two residential units. The proposed parcels will each be approximately 3,000 square feet. One residence will be approximately 1,913 square feet with an attached two car garage, and the second residence will be approximately 1,983 square feet with an attached two car garage. Both residences will be used as separate vacation rentals. Access for the parcels will be off a private easement (Colony Lane) and the lots will not have vehicular access from Avila Beach Drive.

### ORDINANCE COMPLIANCE:

#### TITLE 21 REAL PROPERTY DIVISION ORDINANCE

##### *Section 21.09.010 - Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing park or recreational facilities to serve land divisions.

*Staff Response: Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.*

##### *Section 21.03.010 - Design Criteria: Factors to be considered*

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of Title 21 of the Real Property Division Ordinance. Design standards include but are not limited to compliance with all ordinance and general plan requirements, Subdivision Map Act regulations, landscaping, access and circulation, drainage, water and sewer services, utilities, and any additional coastal requirements.

## TITLE 23 COASTAL ZONE LAND USE ORDINANCE

### *Minimum Parcel Size*

Section 23.04.028 of the Coastal Zone Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Multi-Family land use category. Generally, minimum parcel size standards are determined by a series of tests that include the type of road that provides access to the site, slope, and type of wastewater facility available to the site. However, this project is subject to Section 23.04.028(d) - *Condominiums*, which allows for a smaller parcel size with Development Plan approval, as long as the following can be met:

1. The common ownership external parcel is in compliance with the provisions of this section; and
2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi Family land use category.

*Staff Response: The proposed project meets both of these requirements as the common ownership parcel (i.e. "parent parcel") is 6,000 square feet, which meets the minimum parcel size requirement of 6,000 square feet and is in compliance with the density requirements of Title 23 (Section 23.04.084). The Avila Beach Specific Plan density standards override Section 23.04.084 but in this case are the same. For further discussion on multi-family density, refer to the density section of this staff report under Avila Beach Specific Plan.*

### *Section 23.04.160 - Parking*

Parking requirements for single family dwellings require 2 parking spaces per dwelling. The proposed project includes two spaces for each residence.

*Staff Response: The proposed project complies with this requirement. Each residence will have an attached two-car garage at the lower level.*

### *Section 23.04.100 – Setbacks*

The front property line for the project site is parallel with Avila Beach Drive. For all residential uses, a minimum front setback of 25 feet is required; the rear property line for the site is parallel with Colony Lane. The minimum rear setback is 10 feet on sites of less than one acre in net area. Side setbacks within urban and village reserve areas are to be 10 percent of the lot width, to a maximum of five feet but not less than 3 feet on sites less than one acre in net area.

*Staff Response: The proposed project complies with these requirements. The proposed single family residences will be setback from the front property line approximately 27 feet and setback from the rear property line 10 feet. The proposed side setback from adjacent lots is 3 feet which meets the 10 percent lot width setback requirement.*

### *Section 23.04.110(f) – Side setbacks for special development types*

The project will consist of common wall development, where any two dwelling units, and/or their accessory garages are constructed on adjoining lots without setbacks between them. The two dwelling units may be constructed as such provided that:

1. The setback has been eliminated through Subdivision Map or Development Plan approval;
2. A common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded; and
3. The side setbacks opposite the common wall property line are not less than two times the minimum width required by this section.
4. Common wall construction is in compliance with the Uniform Building Code.

*Staff Response: As a condominium/planned development the proposed project falls under a different ordinance section (23.04.028d). Condominiums and planned developments may have attached common walls by definition. Side setbacks from adjacent property lines are set by the Land Use Ordinance as discussed above..*

**Section 23.08.165 – Residential Vacation Rentals**

A residential vacation rental is the use of an existing residence as a rental for transient use. This does not include the rental of the entire residence for periods of thirty days or longer. In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor serving accommodation. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

*Staff Response: The proposed project does not meet the location standard because it is within 50 feet of an existing vacation rental. The applicant has submitted a request as a part of the project description to modify the location standard to allow for both residences to be used as vacation rentals. This request to modify the location standard is made part of the Development Plan and as such, complies with these requirements as conditioned.*

**PLANNING AREA STANDARDS:**

San Luis Bay Area Plan

*Avila Beach Specific Plan*

The Avila Beach Specific Plan, and any amendments made thereto is hereby incorporated into this Land Use Element as though it were fully set forth here. All development within the Avila Beach Specific planning area (as shown above) is to be in conformity with the adopted Specific Plan, as well as all other applicable LCP standards. In the event of any conflict between the provisions of the San Luis Bay Area Plan and the Specific Plan, the Specific Plan shall control.

**Residential Standards.** All new residential development shall be designed to protect public view corridors to the beach and ocean.

*Staff Response: The proposed project does not inhibit any public view corridors. The best public views in this area are through the street corridors which are protected rights of way. This project site contains development adjacent to the south-west (mix of commercial and residential development) which currently block views along Avila Beach Drive in this particular location to the beach and ocean. This project will not further inhibit existing views of the beach and ocean because of existing surrounding development.*

**Storm Drainage.** The project is required to incorporate Best Management Practices (BMP's) to address storm water runoff.

*Staff Response: The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event. The proposed project is conditioned to include BMP's in the grading and drainage plans to meet this requirement.*



## AVILA BEACH SPECIFIC PLAN STANDARDS:

### *Density*

Allowable density shall be low density (up to 15 units to the acre), but can be increased up to 38 units to the acre if the following conditions are met (to be determined by the Planning Commission through Development Plan review):

1. There would be no greater obstruction of public views and no greater limitation of solar access to adjacent properties than at 15 units per acre;
2. The bulk, massing and design character of the project would be consistent with that of the surrounding adjacent parcels, and
3. All other design guidelines and standards applicable to Residential Multi Family are met.

*Staff Response: The project as proposed is designed at the high density level relative to the maximum floor area and minimum open area required. The project complies with the criteria for increased density because there is no greater obstruction of public views due to existing development adjacent to the property. There is also no greater solar obstruction to the nearest existing residence which is located approximately 45 feet to the south. The project complies with all ordinance requirements as conditioned.*

*The required base square footages for high density include the following:*

	DENSITY	MAX FLOOR AREA	MIN. OPEN AREA
Allowed	38 units/acre (5 units)	65% (3,900 sq ft)	40% (2,400 sq ft)
Proposed	2 units	3,900 sq ft	3,295 sq ft.

### *Setbacks*

To achieve conformance with existing development patterns, front setback requirements should be consistent with adjacent parcels. The proposed project is not located adjacent to any existing structures on Avila Beach Drive, which would affect the front setback requirement. The front setback for the proposed project is 25 feet as per the Coastal Zone Land Use Ordinance.

### *Allowable Building Height*

Building height should be 20 feet, however maximum height is 25 feet provided the following are met:

1. Height would result in no greater obstruction of public views and no greater limitation of solar access to adjacent properties than a 20 foot building.
2. The building has a pitched roof with a slope greater than 2.5 in 12, and the additional height above 20 feet is used to achieve this pitched roof. Height shall be measured as specified in the Coastal Zone Land Use Ordinance.

*Staff Response: The project is proposed to be 25 feet as measured from average natural grade. The project would not result in greater obstruction of public views and no greater limitation of solar access to adjacent properties. The building has a pitched roof with a slope of 5 to 12, and the additional height above 20 feet is used to achieve this pitched roof. The proposed project complies with the two height requirements for solar access and roof pitch as proposed.*

### *Off-Street Parking requirements and location*

Parking requirements are set forth in the Coastal Zone Land Use Ordinance for the proposed project (see parking under ordinance requirements for specific numbers). To reduce visual

impacts, required parking spaces shall not be located in the front setback, except as provided in paragraph 23.04.108 a(2) of the Coastal Zone Land Use Ordinance.

*Staff Response: The proposed project complies with this requirement. Both residences have proposed all off-street spaces (two spaces per residence) to be located within the attached garages.*

#### *Drainage Requirements*

All new development within the Residential Multi-Family area shall conform to the drainage standards described in the Avila Beach Urban Area Standards in the San Luis Bay Area Plan. *This project complies with this standard as conditioned.*

#### *Affordable Housing*

CZLUO section 23.04.092 requires new residential developments of more than eleven units set aside 15% of multifamily units for households of low or moderate income. The proposed project includes two residential units and therefore is exempt from this requirement because it is less than 11 units.

### **COMBINING DESIGNATIONS:**

#### *Local Coastal Program*

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

#### *Coastal Appealable Zone*

The project is appealable to the Coastal Commission because the project is between the first public road and the ocean.

### **COMMUNITY ADVISORY GROUP COMMENTS:**

Avila Valley Advisory Council Sub-Committee: The Avila Valley Advisory Land Use Committee met on March 27, 2014 to discuss the proposed project. Comments and concerns by the sub-committee were heard by the applicant and staff and it was determined that additional information and a follow-up meeting was necessary prior to the sub-committee submitting its comments to the Avila Valley Advisory Committee. Revised plans were submitted to staff but these plans were not forwarded to the sub-committee and a follow-up meeting was not scheduled. A follow-up meeting has been scheduled for October 1, 2014 where the sub-committee will discuss the revised plans and provide additional comments to the Avila Valley Advisory Committee. The following concerns related to the project were summarized by the sub-committee in electronic mail dated September 7, 2014 and the first meeting held March 27, 2014.

1. Lot Width – Section 23.04.090g.(1) provides for a minimum lot width of 35’.

*Staff Response: Section 23.04.090g(1) provides for a minimum lot width of 35 feet for affordable housing density bonus. The proposed project is not requesting an affordable housing density bonus and therefore is not subject to the standards provided in Section 23.04.090g (1).*

2. Side Setback – Section 23.04.110f.(2)(iii) Common Wall Development provides for side setbacks to be at least twice the setback as established for a Condominium multi-family project, which for this project is 10% of the 30’ width or 3’. The required setback is 6’. The applicant has proposed only 3’.

*Staff Response: This proposed condominium project is subject to ordinance section (23.04.028d). Condominiums and planned developments may have attached common walls by definition. Side setbacks from adjacent property lines in the residential multi-family land use category are set by the Land Use Ordinance Section 23.04.100 at 3 feet.*

3. Building Height – Section 23.04.122 illustrates the Measurement of Height to determine the average mean elevation. The applicant has incorrectly determined this average mean elevation resulting in a higher building height than allowed by the Specific Plan.

*Staff Response: Figure A1.1 illustrates “lower finish floor” and “main finish floor” which is not the same as the highest and lowest point where the exterior walls touch the natural grade as required by Section 23.04.122 – Measurement of Height. “Lower finish floor” and “main finish floor” is the surveyed elevation where the residences floors will sit when the site has been graded. Figure C-2 illustrates the existing elevation contours existing across the proposed parcels. The highest point where an exterior wall touches the natural grade is approximately 16 feet; the lowest point where an exterior wall touches the natural grade is approximately 8 feet. The average natural grade is approximately 12 feet. The applicant correctly determined the average natural grade and as conditioned is limited to a maximum height of 25 feet above natural grade. The proposed residence will not exceed 25 feet in height above average natural grade.*

4. The applicants are requesting these residences be used as “vacation rentals”. This conflicts with 23.08.165c (Residential vacation rentals) ordinance which states: “within the Avila Beach Community Service District boundaries, in all residential/recreational land use categories, no two (2) contiguous parcels (APN#s) shall be vacation rentals and no two (2) contiguous or adjacent units in a parcel (one APN#) shall have vacation rentals.”

*Staff Response: In all Residential and Recreation land use categories within Avila Beach, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or visitor-serving accommodation. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required. The applicant has requested the location standard be modified through consideration of the Development plan.*

#### AGENCY REVIEW:

Public Works: Comments and recommended conditions of approval received March 18, 2014 and March 21, 2014 are kept in the file and included as part of Exhibit B – Conditions of Approval. Additionally, Public Works requested the applicant demonstrate whether the project is subject to LUO Section 22.10.155 for Stormwater Management and that a Stormwater Quality Plan be submitted for review and approval.

*Staff Response: The applicant submitted a Stormwater Control Plan application to Public Works. Public Works determined based on the impervious surface values no improvements were needed (T. Tomlinson, 2014). Conditions of approval have been included as part of Exhibit B – Conditions of Approval.*

Environmental Health: “The applicant has not obtained a preliminary health clearance letter and should do so. A valid will serve/intent to serve from ABCSD is needed.” (Leslie Terry, April 14, 2014).

*Staff Response: The applicant has obtained a valid intent to serve letter from the ABCSD (K. Richardson, March 13, 2014).*

General Services/Parks: "Pay Quimby Fees." (Elizabeth Kavanaugh, May 6, 2014)

*Staff Response: The project as conditioned is required to pay parkland fees.*

Building Division: Comments included in Exhibit B – Conditions of Approval as applicable.

Cal Fire: Fire Safety Plan received August 24, 2014 (Tony Gomes, August 24, 2014).

HEAL SLO: "Healthy Communities supports the potential resulting effect of adding density to the area... recommend the provision of future crosswalk infrastructure and appropriate signage at the intersection of Avila Beach Drive and San Miguel Street, which would provide an additional link to the Bob Jones Trail and access to the downtown corridor." (HEAL-SLO, May 8, 2014).

Avila Community Services District: "The applicant will need to meet all conditions of will serve fee water and sewer and pay all applicable fees"; (Kathryn Richardson, March 13, 2014.)

*Staff Response: The applicant is responsible for contacting the Avila Beach Community Services District to confirm water and sewer conditions and all fees have been met.*

Port San Luis Obispo Harbor District: In a letter dated September 4, 2014, the Harbor District requested that the proper Best Management Practices and good housekeeping be implemented during construction. During recent construction activities in close proximity to the planned project site, litter and construction debris accumulated in the area due to poor housekeeping and lack of adequate BMPs. The District requests that sufficient efforts be made to ensure similar incidents to do not occur during the planned construction project. These efforts should entail daily work site housekeeping, proper use of BMPs, and removal of any construction debris that enters the parking lot or stormwater swale.

*Staff Response: The project, as conditioned, is required to incorporate BMPs into construction to address storm water runoff. These measures will be included on the drainage and grading plans and are designed to treat and infiltrate water runoff up to and including the 85<sup>th</sup> percentile storm event. In addition, the project as conditioned will be required to provide good housekeeping practices to ensure construction debris and litter do not accumulate during or after construction.*

California Coastal Commission: None received.

#### LEGAL LOT STATUS:

The one existing parcel was legally created by the recordation of a map for Lot Line Adjustment COAL 96-112, Parcel #11 (Book 54, Page 73 of Parcel Maps).

Staff report prepared by Megan Martin and reviewed by Terry Wahler and Steve McMasters.

**FINDINGS - EXHIBIT A**  
**FINDINGS FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT**

*Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 21, 2014 for this project. Mitigation measures are proposed to address cultural resources, geology and soils, noise, public services/utilities, recreation, and transportation/circulation and are included as conditions of approval.

*Development Plan*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed 2 residential units do not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the single family style residential units are similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Avila Beach Drive and San Miguel Streets, local roads constructed to an improvement standard that will accommodate the additional vehicle trips.

*Condominiums*

- G. The proposed lot split into two 3,000 square foot parcels is justified because the residential unit ownership project, as determined with this Development Plan is consistent with the following findings:

1. The common ownership external parcel is in compliance with the provisions of the Coastal Zone Land Use Ordinance because it meets the minimum parcel size of 6,000 square feet prior to subdivision.
2. The density of the residential units (two units) is in compliance with Section 23.04.084 because it is below the maximum allowable.

*Modification*

- H. Modification of the location standard as set forth in section 23.08.165 – Residential Vacation Rentals may be modified to less than 50 feet for both residences from the nearest existing vacation rental because the project is consistent with all other provisions of the section and because there are specific conditions relative to the site including site location, access and on-site parking that justifies the residences to be used as a vacation rental. The site is located approximately 0.2 miles from recreation and visitor-serving uses and will provide for two off-street parking spaces per residence to limit street parking. Given the visitor serving nature of the surrounding neighborhood, off-street parking availability, private access driveway (Colony Lane), and because the proposed use would not create any significant impacts as conditioned, the project meets all CZLUO standards for Residential Vacation Rentals and the modification of the location standard is justified.

*Archeological Sensitive Area*

- I. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because should resources be encountered construction will stop and the applicant will contact the County Planning and Building Department and Native American Representative.
- J. The site design and development cannot be feasibly changed to avoid intrusion into or disturbance of archaeological resources. Construction will use appropriate methods, as conditioned, to protect the integrity of the site.

*Coastal Access*

- K. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

**CONDITIONS OF APPROVAL - EXHIBIT B**  
**CONDITIONS FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT**

**Approved Development**

1. This approval authorizes:
  - a. Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.
  - b. The maximum height of the residences shall be 25 feet as measured from average natural grade.

**Conditions required to be completed at the time of application for construction permits**

*Site Development*

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, the applicant shall provide roofing materials which comply with the requirements of the Avila Beach Specific Plan and are non-reflective materials.

*Fire Safety*

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

*Services*

6. **At the time of application for construction permits**, the applicant shall provide a letter from Avila Beach Community Services District stating they are willing and able to service the property.

**Conditions to be completed prior to issuance of a construction permit**

*Noise*

7. (N-1) The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:
  - a. Air conditioning or a mechanical ventilation system
  - b. Solid core exterior doors with perimeter weather stripping and threshold seals
  - c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
  - d. Roof or attic vents baffled.

*Fees*

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

*Best Management Practices*

9. **Prior to issuance of a construction permit**, the construction documents shall show that the project complies with Best Management Practices (BMP's) to address storm water runoff. The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85<sup>th</sup> percentile storm event.
10. "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

**Conditions to be completed during project construction**

11. *Fugitive PM10 Mitigation Measures* (All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated



monitor(s) shall be provided to the APCD **prior to construction/grading permit issuance**)

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

#### *Cultural Resources*

12. (CR-1) **During construction/ground disturbing activities**, the applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied EarthWorks Inc., dated May 2008 and revised December 2008, including retaining a Chumash representative during ground disturbance.
13. (CR-2) Any soil from the embankment that is excavated shall remain on the lot where it originated from or be transported to the approved location as shown on the "Colony Retrieval Site" map dated July 15, 2006. Reburial and relocation of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist who shall also be on site during depositing of materials and/or reburial activities.
14. (CR-3) **Prior to final inspection**, the applicant shall submit the final Phase III monitoring/mitigation report (to be completed by Applied EarthWorks, Inc.) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied EarthWorks, Inc. (May 2008).

15. (CR-4) **During construction/ground disturbing activities**, in the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the department of Planning and Building so proper disposition may be accomplished. If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition and pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (i.e. avoid, reburial).

#### *Building Height*

16. The maximum height of the project is 25 feet from average natural grade.
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
  - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
  - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

#### *Geology and Soils*

17. (GS-1) The applicant shall comply with the recommendations and requirements, or comparable, listed in the submitted Soils Engineering Report and Engineering Geology Investigation for The Colony, Lots 1 and 11, Avila Beach Drive, Avila Beach, San Luis Obispo County, California, GeoSolutions, Inc., March 18, 2013 to include: preparation of building pads, paved areas, pavement design, mat foundation, post-tensioned slabs, slab-on-grade construction, retaining walls.
18. All applicable geologic mitigation measures from the GeoSolutions Report, March 18, 2013 geologic evaluation will be shown on the grading and building plans. Compliance will be verified by the project engineering geologist with onsite visits during grading, and verification of all construction documents. Any changes to the requirements requested by the project engineering geologist due to unforeseen site conditions shall be reviewed and approved by the Department of Planning and Building and the project engineering geologist, and shall be shown on all construction documents.

**Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

19. Landscaping in accordance with the approved landscaping plan shall be installed before final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
20. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.
21. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

*Cultural Resources*

22. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.
23. **Prior to final inspection**, an easement shall be recorded over the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering as to prohibit any future disturbance of the buried cultural materials. Easement language shall be reviewed and approved by the Department of Planning and Building.
24. **Prior to final inspection** the applicant shall submit the final Phase III monitoring/mitigation report (completed by Applied Earthworks) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied Earthworks (December 2008).

**On-going conditions of approval (valid for the life of the project)**

25. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
26. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these

conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

27. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the county.

**FINDINGS - EXHIBIT C**  
**FINDINGS FOR TENTATIVE PARCEL MAP CO14-0021**

*Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 21, 2014 for this project. Mitigation measures are proposed to address cultural resources, geology and soils, public services/utilities, noise, and transportation and are included as conditions of approval.

*Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Multi Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of the proposed planned development which will include 2 residential units and associated parking.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support the proposed multi-family development. The site is suitable for a high density project, and the project, as proposed, complies with the density requirements under the Coastal Zone Land Use Ordinance.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project site does not contain any substantial sensitive habitat areas or any special status species. The project site is currently entirely disturbed due to previous grading for the lot line adjustment that created the parcel.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

*Coastal Access*

- J. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

**CONDITIONS OF APPROVAL - EXHIBIT D**  
**CONDITIONS FOR TENTATIVE PARCEL MAP CO14-0021**

**Approved Project**

1. This approval authorizes:
  - a. Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.

**Access and Improvements**

2. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

**Common Use Area Easement**

3. Reserve easements on the map for front and rear yard common use areas to comply with condominium/planned development design requirements.

**Improvement Plans**

4. **Prior to map recordation**, electric, telephone and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

**Improvement Maintenance**

6. **Prior to map recordation** the developer shall submit a proposed Constructive Notice for the subdivision to the county Public Works Department for review and approval. The constructive notice shall provide at a minimum the following provisions:

- a. The maintenance, within the public road right of way and / or any public pedestrian easement adjacent thereto, of the sidewalks, landscaping, and pedestrian amenities fronting each of the separate lots or parcels within the subdivision in accordance with the county Public Improvement Standards shall be solely responsibility of the owner of each of the separate lots or parcels aforesaid and said owner's heirs, executors, administrators, successors and assigns in perpetuity, or until specifically accepted for maintenance by a public agency.
- b. After approval the Constructive Notice shall be recorded in the office of the County Recorder and a copy of the recorded document submitted to the Public Works Department.

#### **Utilities**

7. Electric and telephone lines shall be installed underground.
8. Cable T.V. conduits shall be installed in the street.
9. Gas lines shall be installed.

#### **Vector Control and Solid Waste**

10. **Prior to Recordation** a determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Coastal Zone Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

#### **Fire Protection**

11. The applicant shall obtain a fire safety clearance letter from Cal Fire establishing fire safety requirements prior to filing the final parcel or tract map.
12. Designate a fire lane within all the driveway areas. This lane to be a minimum width of twenty (20) feet.

#### **Parks and Recreation (Quimby) Fees**

13. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.

#### **Additional Map Sheet**



14. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. The additional map sheet shall contain the final conditions of approval for the Development Plan/Coastal Development Permit as they are shown in the Notice of Final Action.
  - b. The additional map sheet shall show the common use areas as an easement across the front and rear yards.
  - c. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Avila Road Improvement Fees for each future building permit in the amount prevailing at the time of payment.
  - d. The applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMPs as identified for project incorporation in the applicant's Stormwater Quality Plan Application for Priority Projects.
  - e. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
  - f. The additional map sheet shall contain the final conditions of approval for the Development Plan as they are shown in the Notice of Final Action.

#### **Covenants, Conditions and Restrictions**

15. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall establish a home owners association and provide at a minimum the following provisions:
- a. A site plan showing the common use areas.
  - b. Maintenance of landscaping.
  - c. Maintenance of common areas.
  - d. Maintenance of all driveways.
  - e. A common wall or party wall agreement, deed restriction or other enforceable restriction will be recorded.

#### **Miscellaneous**

16. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

17. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary **prior to filing the map.**
18. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et seq.
19. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

STANDARD CONDITIONS OF APPROVAL FOR  
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.

10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.



**PROJECT**

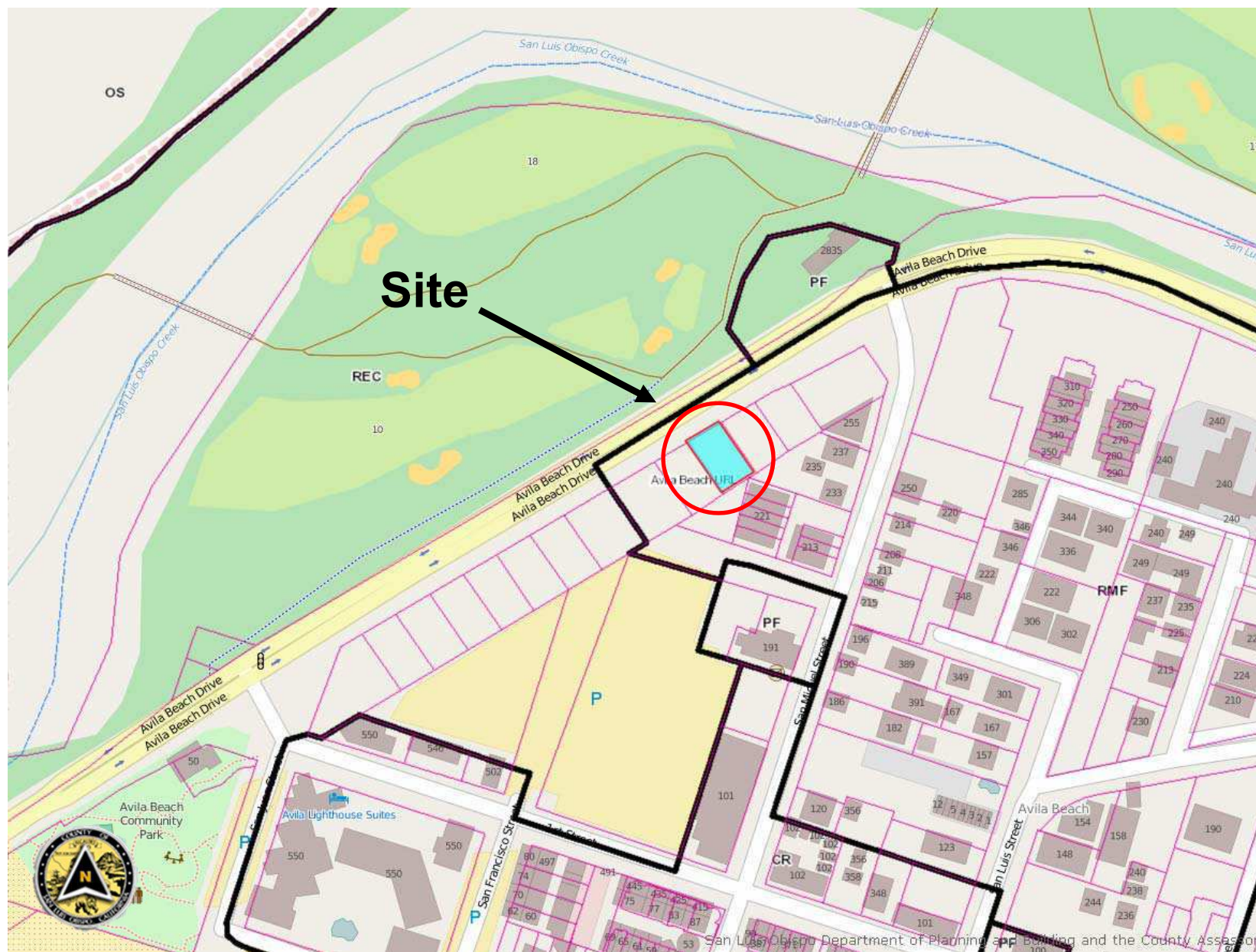
**MAVIS – Tentative Parcel Map/ Development**  
**COAL 14-0021 / SUB2013-00054**



**EXHIBIT**

**Vicinity Map**





**MAVIS – Tentative Parcel Map/ Development**  
**COAL 14-0021 / SUB2013-00054**



## Land Use Category Map





**PROJECT**

**MAVIS – Tentative Parcel Map/ Development**  
**COAL 14-0021 / SUB2013-00054**



**EXHIBIT**

**Aerial Map**

## Page 4 of 8



FORBIDDEN BY FIELD SURVEY CONDUCTED BY ABOVE GRADE ENGINEERS, INC., DECEMBER 2012.

THE BASIS OF NEARLY 600 THIS PROJECT IS PRICE THE FOUND MONUMENTS ALONG THE NORTH-SOUTH  
 PARKED, LINE INDICATED AS 8-SPRINT WITH PARKED, MAY LIST THE ADJUSTMENT GOAL IN-112  
 RECORDED IN SOCIAL, BASE 1243 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF  
 SAN LUIS OBISPO.

THE BENCHMARK FOR THIS SURVEY IS THE TOP OF A WHITE WALKER DO BELONGING TO THE JO ADAMS FARMERS NEAR THE WEST SOUTHERLY CORNER OF PARCEL 10, HAVING AN ASSUMED ELEVATION OF 420 FEET.

FIGURE 11 OF PARCEL MAP LOTLINE ADJUSTMENT COULD BE RECORDED IN BOOK 84, PAGE 1079 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN LUIS OBISPO.

FINT ARCHITECT & DAMEN-WHITE  
AND DEVELOP. INC.  
PO BOX 12010  
SAN LEANDRO, CA 94588

ENT ARNOLD & SAMUELSON  
C/O DEVELOP INC.  
PO BOX 12018  
SAN LEANDRO, CA 94588  
(925) 761-3133

ABOVE GRADE BRIDGEWORK, INC.  
104 BRAD STREET  
SAN LUIS OBISPO, CA 93401  
SCOTT STORIS, PE 00018  
(805) 845-3718

LOCATION: 3500 RIVERBEND DRIVE, AREA, CA 92408  
APN: CFE-086-010  
EXISTING PARCELS: 120  
PROPOSED PARCEL: 201  
EXISTING LOTS: 213,200 SF LOTS  
PROPOSED PARCELS: 2

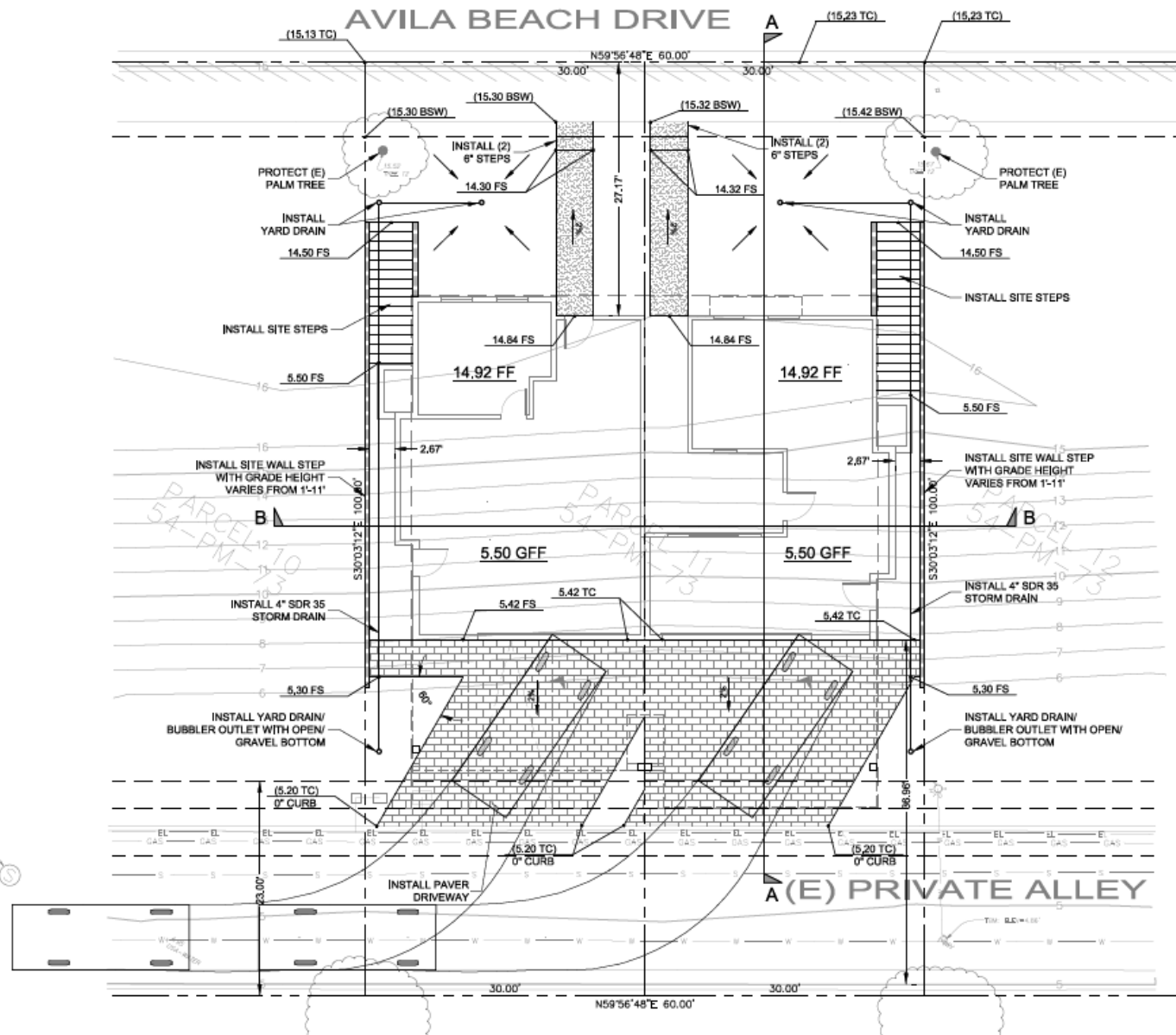
[illegible]

TENTATIVE PARCEL MAP - CO14-0021

MARCH 10, 2014

## Page 28 of 123





## PROJECT

MAVIS – Tentative Parcel Map/ Development  
COAL 14-0021 / SUB2013-00054



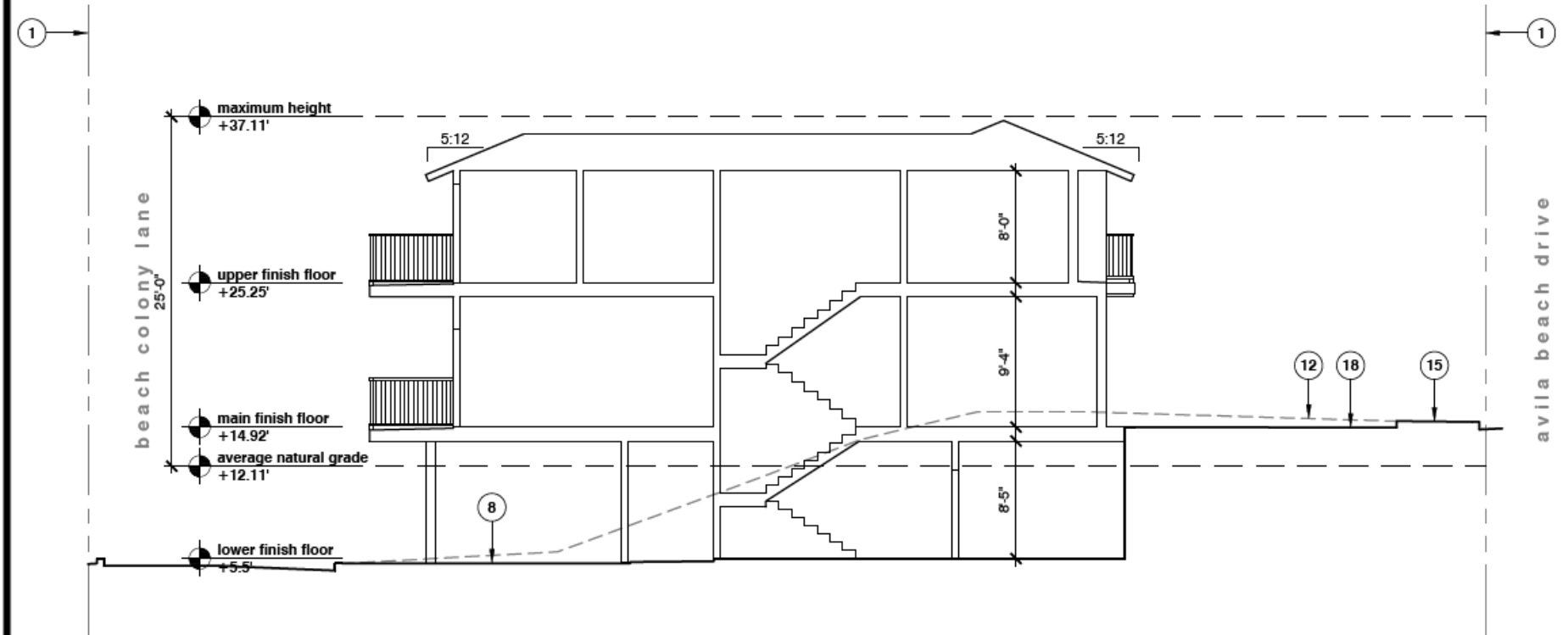
## EXHIBIT

Site Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

Page 6 of 8

ATTACHMENT 5



PROJECT

MAVIS – Tentative Parcel Map/ Development  
COAL 14-0021 / SUB2013-00054



EXHIBIT

Elevation – Cross Section

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



east elevation

SCALE: 1/4"=1'-0"

PROJECT

MAVIS – Tentative Parcel Map/ Development  
COAL 14-0021 / SUB2013-00054



EXHIBIT

Elevation – South & East

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



north elevation

SCALE: 1/4"=1'-0"



west elevation

SCALE: 1/4"=1'-0"

PROJECT

MAVIS – Tentative Parcel Map/ Development  
COAL 14-0021 / SUB2013-00054



EXHIBIT

Elevation – North & West



FH

SAN LUIS OBISPO COUNTY

## DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

**RECEIVED**

MAR 14 2014

DATE: 3/13/2014

TO: PW

FROM: Megan Martin (805-781-4163 or mamartin@co.slo.ca.us)  
Coastal Team / Development Review

**PROJECT DESCRIPTION:** SUB2013-00054 CO14-0021 MAVIS – Proposed parcel map with conditional use permit to subdivide parcel into two parcels for two new single-family residences of 1983 and 1917 sf respectively with attached garages and balconies. Site location is 2865 Avila Beach Dr, Avila Beach. APN: 076-196-016

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

### PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

### PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ☐ NO (Please go on to PART III)

### PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL

tentative map is lacking information required per 21.02.CAC(a)  
see attached checklist.

Date 3/13/14

Name D RION

Phone x5252

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600  
EMAIL: [planning@co.slo.ca.us](mailto:planning@co.slo.ca.us) • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

## SLO County Public Works Dept.

## 21.02.046(a) TENTATIVE MAP Check List

(Parcel Map or ~~Tract Map~~) Map No. CD 14-0021bml  
PRON 3/18/2014

Status	Item
✓	(1) <u>Record Data</u> . The boundary lines of the original parcel, with dimensions shown in feet, based on survey data or information of record, and area of the property shown in square feet or acres to the nearest tenth.
① ○	(2) <u>Property Description</u> . A description of the property as well as the assessor's parcel number(s) for the property.
② ○	(3) <u>Legend and Owner Information</u> . A north arrow and scale, the name and address of the record owner(s), and the name and address of the subdivider.
③ ○	(4) <u>Vicinity Map</u> . A vicinity map on which shall be shown the general area including adjacent property, subdivisions and roads.
	(5) <u>Existing Structures</u> . All existing structures, wells, septic tanks, driveways and other improvements located on the original parcel shall be accurately located, identified and drawn to scale. The distance between structures, the distance from existing structures to the boundary lines of the new parcel on which the structures are to be located, and the height of each structure shall be shown. Such distances shall be established by a registered civil engineer's or licensed land surveyor's survey when deemed necessary by the planning department.
✓	(6) <u>Contour Lines</u> . Contour lines of the property shall be shown at intervals set forth: >40 Ac, 40 ft; 20-40 AC, 20 ft; 10-20 AC, 10 ft; <10 AC w/ 0-12% slope, 2 ft; >12% slope, 5 ft.
	(7) <u>Drainage</u> . The approximate location of all watercourses, drainage channels and existing drainage structures.
X	(8) <u>Landforms</u> . The approximate location of other topographic or manmade features, such as bluff tops and ponds.
X	(9) <u>Lakes and Ocean</u> . Approximate high-water lines in lakes or reservoirs, and the mean high tide line of the ocean.
X	(10) <u>Flood Hazard</u> . The location of all areas subject to inundation or stormwater overflow.
✓	(11) <u>Proposed Parcel Lines</u> . The proposed division lines with dimensions in feet and the gross and net area of each parcel created by such division in square feet or acres to the nearest tenth. Also, each parcel created shall be designated on the tentative map by number.
	(12) <u>Designated Building Sites</u> . Any designated building sites proposed by the applicant to minimize grading, tree removal, and other potential adverse impacts, or any areas proposed for exclusion from construction activities, shall be shown on the tentative map for proposed parcels greater than ten thousand square feet. Also, any details on proposed building setback lines and widths of side yards shall be shown on the tentative map.
④ ○	(13) <u>Streets</u> . The locations, names, county road numbers and widths of all adjoining and contiguous highways, streets and ways.
	(14) <u>Easements</u> . The locations, purpose and width of all existing and proposed easements, streets (with proposed names) and appurtenant utilities.
X	(15) <u>Coastal Zone</u> . For tentative maps for properties located within the coastal zone between the sea and the first public road paralleling the sea, show the location of the public access ways nearest to the subject site.
⑤ ○	<b>21.02.046(a)(2)</b> <u>Preliminary Title Report</u> . Preliminary title report concerning the property which is not more than six months old showing current property owners.

X = Not Applicable ○ = Requires Compliance ✓ = Complied

For Tract Map Applications only: \$ deposit rec'd Y / N C &amp; I Agreement rec'd Y / N

## COMMENTS:

- ① Legal Description is incorrect  
 ② Scale is incorrect. Add graphic scale. Owner names on map ≠ title report.  
 ③ Vicinity map is lacking all properties subdivisions and roads.  
 Site is not correct location.  
 ④ Add name of private road: County Rd #2070 and width to Avila Beach Dr.  
 (Beach Colony Lane)

⑤ Property owner on PTR ≠ map

Comments based on Tentative map dated 2/6/14, PTR ADDY-4539559, 11/20/2013

P:\DEPSERV\Referrals\Stock COA\Tentative Map Checklist.doc 2/26/2014



## SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

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County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252  
Fax (805) 781-1229 email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

---

### MEMORANDUM

Date: March 21, 2014  
To: Megan Martin, Coastal team / Development Review  
From: Frank Honeycutt, Development Services Engineer  
Subject: **Public Works Project Referral for SUB2013-00054 CO14-0021 –Mavis Parcel Map and CUP for 2 residential lots. SR1, 2865 Avila Beach Drive APN 076-196-016**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

---

**PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR PUBLIC WORKS REVIEW AND COMMENT:**

---

1. Drainage or Flood Hazard information.
2. The project shall comply with the Land Use Ordinance, Section 22.10.155 for Stormwater Management. The following information outlined in the Land Use Ordinance, Section 22.10.155.G shall be submitted to the County for review and approval:
  - a. The applicant shall demonstrate whether the project is subject to LUO Section 22.10.155 for Stormwater Management.
  - b. Applicable projects shall submit the following to the County for review and approval: Stormwater Quality Plan; Conservation of natural areas narrative; Stormwater pollutant of concerns narrative; Drainage Plan; Erosion and Sedimentation Control Plan; Mechanism in place for long-term maintenance of BMPs; and Calculations for treatment control BMPs.
  - c. The applicant shall demonstrate the project has incorporated the minimum number of County approved LID structural practices into the project. Refer to the brochure Interim Low Impact Development Guidelines for further information and references for LID design.

**Public Works Comments:**

- A. At the time the project referral was received by Public Works on March 14, 2014 the application acceptance date had not been established. The attached recommended conditions of approval are subject to change based on Ordinances and Policies in affect at the date of application acceptance.
- B. The project meets the applicability criteria outlined in the Land Use Ordinance, Section 22.10.155 or the Coastal Zone Land Use Ordinance, Section 23.04.450 for Stormwater Management; therefore, the project is subject to the NPDES General Permit Attachment 4 Design Standards.

**Recommended Public Works Conditions of Approval**

Improvement Maintenance:

1. Prior to map recordation the developer shall submit a proposed Constructive Notice for the subdivision to the county Public Works Department for review and approval. The constructive notice shall provide at a minimum the following provisions:
  - a. The maintenance, within the public road right of way and / or any public pedestrian easement adjacent thereto, of the sidewalks, landscaping, and pedestrian amenities fronting each of the separate lots or parcels within the subdivision in accordance with the county Public Improvement Standards shall be the solely responsibility of the owner of each of the separate lots or parcels aforesaid and said owner's heirs, executors, administrators, successors and assigns in perpetuity, or until specifically accepted for maintenance by a public agency.
  - b. After approval the Constructive Notice shall be recorded in the office of the County Recorder and a copy of the recorded document submitted to the Public Works Department.

Improvement Plans:

2. Prior to final map recordation, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
3. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Additional Map Sheet:

4. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
  - a. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Avila Road Improvement Fees for each future building permit in the amount prevailing at the time of payment.



- b. The applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMPs as identified for project incorporation in the applicant's Stormwater Quality Plan Application for Priority Projects
- c. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- d. The additional map sheet shall contain the final conditions of approval for the Development Plan as they are shown in the Notice of Final Action.

Miscellaneous:

- 5. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
- 6. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

V:\\_DEVSERV Referrals\Land Divisions\Parcel Maps\CO 2014-0021 SUB2013-00054 Mavis.doc



{In Archive} Re: SUB2013-00054 CO14-0021 MAVIS, Coastal E-Referral,  
Parcel Map with CUP, Avila Beach

Charles Riha to: Megan A Martin

03/28/2014 02:38 PM

Cc: Cheryl Journey, Stephen Hicks

Archive: This message is being viewed in an archive.

Megan,

These are the Building Division Comments to be incorporated into the Conditions. Please call me if you have any questions.

Comments from Building Division:

1. All plans and engineering shall be prepared by a California Licensed Architect of Record unless exempted by the Business and Professions Code.
2. The project is subject to a construction permit as well as the newly adopted 2013 California Codes.
3. The project will require a full soils report for the design of all building foundations at the time of construction permit application submittal.
4. The project is subject to the California State Title 24 energy laws.
5. Whether or not a separate grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.
6. A fire sprinkler system will be required. The sprinkler plans shall be submitted with a separate application for a separate fire sprinkler permit with the application for the structure(s).

Charles Riha, Plans Examiner III



PLANNING & BUILDING  
COUNTY OF SAN LUIS OBISPO  
976 Osos Street, Room 200  
San Luis Obispo, Ca 93408  
805-781-5630

<http://www.sloplanning.org>

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SAN LUIS OBISPO COUNTY

## DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

RECEIVED

DATE: 3/13/2014

TO:

ENV HEALTH

FROM:

Megan Martin (805-781-4163 or mamartin@co.slo.ca.us)  
Coastal Team / Development Review

MAR 14 2014

SR 13730

Environmental Health

**PROJECT DESCRIPTION:** SUB2013-00054 CO14-0021 MAVIS – Proposed parcel map with conditional use permit to subdivide parcel into two parcels for two new single family residences of 1983 and 1917 sf respectively with attached garages and balconies. Site location is 2865 Avila Beach Dr, Avila Beach. APN: 076-196-016

Return this letter with your comments attached no later than: 14 days from receipt of this referral.  
CACs please respond within 60 days. Thank you.

## PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES  
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

## PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES  
☐ NO

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)  
(Please go on to PART III)

## PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Applicant has not obtained a pre-lim health clearance letter & should do so. A valid well serve / intent to serve from ABCSD is needed. Stacks comm water, sewer

4/14/14  
Date

Name

x 5551  
Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org



SAN LUIS OBISPO COUNTY

## DEPARTMENT OF PLANNING AND BUILDING

2014 MAR 14 AM 10:09

## THIS IS A NEW PROJECT REFERRAL

DATE: 3/13/2014

TO:

GEN SVCS

FROM:

Megan Martin (805-781-4163 or mamartin@co.slo.ca.us)  
Coastal Team / Development Review

**PROJECT DESCRIPTION:** SUB2013-00054 CO14-0021 MAVIS – Proposed parcel map with conditional use permit to subdivide parcel into two parcels for two new single family residences of 1983 and 1917 sf respectively with attached garages and balconies. Site location is 2865 Avila Beach Dr, Avila Beach. APN: 076-196-016

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

## PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES  
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

## PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES  
☐ NO

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

(Please go on to PART III)

## PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Pay Quimby fees

Date

5/6/14  
D. Kavanaugh

Name

D. Kavanaugh

Phone

781-4089

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org



**CAL FIRE**  
**San Luis Obispo**  
**County Fire Department**

635 N. Santa Rosa • San Luis Obispo, CA 93405  
 Phone: 805-543-4244 • Fax: 805-543-4248  
[www.calfireslo.org](http://www.calfireslo.org)



*Robert Lewin, Fire Chief*

September 16, 2014

Damien, Katheryne Mavis  
 778 Osos St.  
 San Luis Obispo, Ca. 93401

**Parcel Map for Project: SUB#2013-00054**

Dear Megan Martin,

The following information is provided relative to the fire protection of 2865 Avila Beach Dr. in Avila Beach, CA. This geographic location **is** located in a **Moderate** Fire Hazard Severity Zone within State Responsibility Area Lands. The Agency Having Jurisdiction (AHJ) is CAL FIRE/San Luis Obispo County Fire Department. This is a full time paid department that utilizes Paid Call Firefighters (PCF) to augment fulltime staff.

The nearest CAL FIRE/County Fire Station (#62-Avila Beach) is located at 1551 Sparrow Dr. with a 2 mile driving distance and an approximately 5 minute response time. An additional CAL FIRE/County Fire engine with a 6 road miles distance and an approximate 8 minute response time would respond from station (#63-Pismo Beach) located at 760 Mattie Rd., CA.

I have reviewed the referral for the parcel map plans for the proposed subdivide parcel subdivision project located at 2865 Avila Beach Dr.. This project is located approximately 5 minutes from the closest CDF/San Luis Obispo County Fire Station. The project **is** located in State Responsibility Area for wildland fires. It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions shall apply to this project:

**Access Road**

An access road must be constructed to CAL FIRE/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
  - Parcels less than 1 acres                      800 feet
  - Parcels 1 acre to 4.99 acres                      1320 feet
  - Parcels 5 acres to 19.99 acres                      2640 feet
  - Parcels 20 acres or larger                      5280 feet
- The road must be 20 feet in width and an all-weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

The dead-end road length as measured from - to the end is -.

### Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

Driveway standards required:

- Driveway width for high and very high fire severity zones:
  - 0-49 feet, 10 feet is required
  - 50-199 feet, 12 feet is required
  - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.
- The driveway must be an all-weather surface.
- If the driveway exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All access driveways must be able to support a 20 ton fire engine.
- Vertical clearance of 13'6" is required.

### Water Supply

The checked water supply is required:

☒ This project will require a community water system which meets the minimum requirements of the Appendix IIIA and IIIB of the California Fire Code.

☐ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

### Building Set Back

All parcels over 1 acre in size requires a 30 foot setback.

### Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 feet firebreak. An additional 70 feet of fuel reduction is required. This will provide a total of 100 feet of defensible space. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

☐ The project application reviewed **does not** meet the above conditions. The applicant must modify the application plan and resubmit to CAL FIRE/San Luis Obispo County Fire for another review.

☒ The project application as prepared **does** meet the conditions above. Any changes to the project should be resubmitted for review. Additional conditions may be added to the project in the future.

### Final Inspection

This project shall require a final inspection by CAL FIRE/San Luis Obispo County Fire to ensure conditions are met. When the conditions have been met contact fire prevention at **543-4244 ext. 3429** and ask for a final inspection.

Sincerely,

**Tony Gomes**  
**Fire Captain**



## COALITION PARTNERS:

Arroyo Grande Community Hospital  
 Boys and Girls Club – South County  
 Cal Poly University  
   Art and Design Department  
   Center for Sustainability  
   Food Science & Nutrition Department  
   Kinesiology Department  
   Landscape Architecture Department  
   STRIDE  
 CenCal Health  
 Central Coast Ag Network  
 City of San Luis Obispo  
   Parks and Recreation Department  
 Community Action Partnership of  
   SLO County, Inc.  
 Dairy Council of California  
 Diringier Associates  
 Equilibrium Fitness  
 First 5 Commission of SLO  
 French Hospital Medical Center  
 Juiciful Creative Consulting  
 Kennedy Club Fitness  
 Lillian Larsen Elementary School  
 Living the Run  
 Lucia Mar Unified School District  
 Network for a Healthy California –  
   Gold Coast Region  
 North County Farmers Market Assoc.  
 Oceano Community Center  
 Paso Robles Library & Recreation Services  
 Rideshare – Safe Routes to School  
 San Luis Sports Therapy  
 San Miguel Joint Unified School District  
 San Miguel Resource Connection  
 SLO Bicycle Coalition  
 SLO Council of Governments  
 SLO County Board of Supervisors  
 SLO County Health Commission  
 SLO County Office of Education  
 SLO County Parks  
 SLO County Planning and Building  
 SLO County Public Health  
 SLO Food Bank Coalition  
 The Community Foundation SLO County  
 UC Cooperative Extension  
 YMCA of SLO County

May 8, 2014

TO: San Luis Obispo County Planning Commission  
 FROM: HEAL-SLO - Healthy Communities Work Group  
 RE: SUB2013-00054 CO14-0021 MAVIS

The Healthy Communities work group has reviewed the conditional use permit application seeking to subdivide a parcel into two parcels for two new single family residences at 2865 Avila Beach Drive, Avila Beach. APN: 076-196-016.

Healthy Communities supports the potential resulting effect of adding density to the area. Research has indicated dense development patterns help reduce vehicle miles traveled by placing people and the activities they conduct in a more concentrated area, which can help reduce sprawl, conserve land and promote physical activity (Transportation Research Board, 2009).

While we do not foresee any immediate and obvious negative health or environmental impacts with this project, we recommend the provision of future crosswalk infrastructure and appropriate signage at the intersection of Avila Beach Drive and San Miguel Street, which would provide an additional link to the Bob Jones Trail and access to the downtown corridor.

Thank you for the opportunity to review this project. We will monitor this proposal as it moves forward in the planning process.

Thank you for the opportunity to review this project.

cc: San Luis Obispo County Health Commission

HEAL-SLO is the SLO County obesity prevention coalition and its mission is to increase healthy eating and regular physical activity among County residents through policy, behavioral and environmental changes. In carrying out that mission, a subcommittee called the Healthy Communities Work Group provides responses to Planning staff from a healthy community's perspective on proposed land development projects, ordinance and general plan amendments, and special projects.



SAN LUIS OBISPO COUNTY

**DEPARTMENT OF PLANNING AND BUILDING**

**THIS IS A NEW PROJECT REFERRAL**

**DATE:** 3/13/2014

**TO:**

Avila Beach CSD

**FROM:** Megan Martin (805-781-4163 or mamartin@co.slo.ca.us)  
Coastal Team / Development Review

**PROJECT DESCRIPTION:** SUB2013-00054 CO14-0021 MAVIS – Proposed parcel map with conditional use permit to subdivide parcel into two parcels for two new single family residences of 1983 and 1917 sf respectively with attached garages and balconies. Site location is 2865 Avila Beach Dr, Avila Beach. APN: 076-196-016

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

**PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?**

☒ YES  
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

**PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?**

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☒ NO

(Please go on to PART III)

**PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.**

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

The applicant will need to meet all conditions of will serve for water & sewer & pay all applicable fees

3-14-14  
Date

Kathryn Richardson  
Name  
General manager

595-2644  
Phone





## AVILA BEACH COMMUNITY SERVICES DISTRICT

Post Office Box 309, Avila Beach, CA 93424  
Office and Meeting Room - 191 San Miguel Street, Avila Beach  
Telephone (805) 595-2664 FAX (805) 595-7623  
E-Mail [Avilacsd@gmail.com](mailto:Avilacsd@gmail.com)

March 13, 2014

Emily Baranek  
Above Grade Engineering  
1304 Broad Street  
San Luis Obispo, CA 93401

Subject: Preliminary Intent to Serve; Patrick Arnold & Damien Mavis Project  
2865 Avila Beach Drive

Dear Ms. Baranek,

The District is in receipt of your check #1011 in the amount of \$1,000 for processing of a preliminary "Intent to Serve" request. This preliminary "Intent to Serve" is valid for one year from the date of issuance, and may be extended one time for a six month period. The extension will require a one hundred dollar (\$100.00) processing fee.

This letter is to confirm that the Avila Beach CSD has the necessary capacity for service to the proposed project (two, three bedroom residential units) and intends to serve the project provided that applicable fees are paid, the improvements required by the District are constructed and all other conditions of approval, including any dedication of easements, are made.

Please be advised improvement plans for all connections to the District's water and sewer system will need to be reviewed and approved by the District prior to the start of construction and be constructed in accordance with District ordinances and standards (including backwater valves) and will be inspected by District staff. Our staff will need to be contacted prior to starting work for coordination of inspections.

A Final "Intent to Serve" Letter may be issued for your project upon the District's review and approval of the final plans as submitted to San Luis Obispo County Planning and Building Department for issuance of a building permit. One half of any fees for connections, hook ups or system improvements that are due to the District will be payable prior to the issuance of a County Building permit with the balance due prior to occupancy of any portion of the development.

If you should have any questions please do not hesitate to call me at 595-2664.

Sincerely,

  
Kathryn Richardson  
General Manager



May 9, 2014

File No.: 0916-01

*SLO Co. File No. SUB2013-00054*

Messer's Damien Mavis and Patrick Arnold  
C/o Above Grade Engineering  
1304 Broad Street  
San Luis Obispo, California 93401

Attention: Ms. Emily Baranek

Subject: **Review of Soils Engineering Report & Engineering Geology Investigation**

Project: **Mavis Subdivision – SUB2013-0054 CO14-0021**  
Lot 11, Avila Beach Colony (APN 076-196-016)  
2865 Avila Beach Drive  
Avila Beach Area of San Luis Obispo County, California

References: 1. Soils Engineering Report, The Colony Lots 1 and 11, APN 076-196-006 and 016, Avila Beach, San Luis Obispo Area, San Luis Obispo County, California, Project No. SL08222-1, prepared by Geosolutions, Inc., dated March 18, 2013.  
2. Engineering Geology Investigation, The Colony Lots 1 and 11, APN 076-196-006, 016, Avila Beach, San Luis Obispo Area, San Luis Obispo County, California, Project No. SL08222-1, prepared by Geosolutions, Inc., dated March 18, 2013.

Dear Messer's Mavis & Arnold

The purpose of this letter is to summarize our findings of a site reconnaissance performed on May 2, 2014 and review of the above referenced soils engineering report and engineering geology investigation (References 1 & 2). The subject site is located in a high liquefaction hazard risk area and tsunami inundation zone.

The reports were reviewed for conformance with section 23.07.084 of the San Luis Obispo County Coastal Land Use Ordinance (CZLUO), California Geological Survey Special Publication 117A (CGS SP-117A) and the San Luis Obispo County Guidelines for Engineering Geology Reports specifically with respect to liquefaction hazard analysis. It is our opinion that the reports prepared by Geosolutions, Inc. (References 1 & 2) presents a comprehensive outline, accurately modeling the susceptibility & potential for liquefaction at the site.

May 9, 2014

File No.: 0916-01

**SLO Co. File No. SUB2013-00054**

Our findings are congruent with the conclusions of the soils engineering report and engineering geology investigation prepared by Geosolutions, Inc. dated March 18, 2013 that the susceptibility for liquefaction at the site is high.

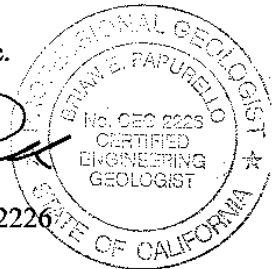
It is our opinion that the potential for liquefaction susceptibility at the project site has been adequately characterized in conformance with CGS SP-117A and appropriate hazard mitigations have been recommended. No further investigation is required for CEQA & CZLUO compliance. The site development recommendations itemized in the referenced reports should be included as conditions of approval prior to the issuance of building permits.

Please contact me at (831) 443-6970 or bpapurello@landseteng.com if you have questions regarding this matter.

Respectfully,  
LandSet Engineers, Inc.



Brian Papurello, CEG 2226



Doc. No. 1405-105.REV

Copies: Addressee (2)  
Messer's Damien Mavis & Patrick Arnold (1)  
Ms. Megan Martin, San Luis Obispo County Planning Dept. (1)  
Mr. Patrick B. McNeill, Geosolutions, Inc. (1)  
Mr. John M.D. Kammer, Geosolutions, Inc. (1)  
SLO County Geology files (1)

May 9, 2014

File No.: 0916-01

SLO Co. File No. SUB2013-00054

**SAN LUIS OBISPO COUNTY ENGINEERING GEOLOGY & SOILS ENGINEERING**  
**REPORT REVIEW FORM**

The San Luis Obispo County Planning and Building Department uses the following checklist for conformance with the guidelines of CGS SP-117A as part of reviewing engineering geology and/or geotechnical reports submitted for review. Explanatory notes are appended and keyed to each numbered item.

Checklist item within consulting report	Adequately described: satisfactory	Additional data needed: unsatisfactory
1. Project Description	X	
2. SLO County Geological Study Area Map	N/A	
3. Site Location	X	
4. Regional Geologic Map	X	
5. Original engineering geologic map of site	X	
6. Aerial photograph interpretation	X	
7. Subsurface site geology	X	
8. Geologic cross sections	X	
9. Active faulting and coseismic deformation across the site	X	
10. Landslides	N/A	
11. Flooding, severe erosion, deposition	X	
12. On-site septic systems	N/A	
13. Hydrocollapse of alluvial fan soils	N/A	
14. Evaluation of historical seismicity and regional faults	X	
15. Characterize and classify geologic site class	X	
16. Probabilistic evaluation of earthquake ground motion	X	
17. Peak ground acceleration for MCE levels of ground motion	X	
18. Site coefficients $F_a$ & $F_v$ and spectral accelerations $S_s$ , $S_1$ , $S_{MS}$ , $S_{M1}$ , $S_{DS}$ & $S_{D1}$	X	
19. Geologic setting for liquefaction analysis	X	
20. Liquefaction methodology	X	
21. Bluff erosion	N/A	
22. Tsunami or seiche potential	X	
23. Expansive soil	X	
24. Naturally occurring asbestos	X	
25. Radon and other hazardous gasses	X	
26. Geologic constraints anticipated during grading operations	X	
27. Areas of cut and fill, preparation of the ground, and depth of removals	X	
28. Subdrainage plans for groundwater	N/A	
29. Final grading report and as-built map	N/A	
30. Summary sheet	X	
31. Age of report	X	
32. Report signed by CEG, RGE and/or RCE & PG	X	

**BOARD OF COMMISSIONERS**

<b>JIM BLECHA</b>	<i>President</i>
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P.O. BOX 249 • AVILA BEACH  
CALIFORNIA 93424  
(805) 595-5400 • Fax 595-5404  
[www.portsanluis.com](http://www.portsanluis.com)

<b>STEPHEN A. McGRATH</b>	<i>Harbor Manager</i>
<b>THOMAS D. GREEN</b>	<i>Legal Counsel</i>
<b>PHILLIP J. SEXTON, CPA</b>	<i>Treasurer</i>

September 4, 2014

County of San Luis Obispo  
Planning and Building Department  
976 Osos St. Room 300  
San Luis Obispo, CA 93408

TO: Megan Martin

SUBJECT: Tentative Parcel Map/ Development Plan/ and Coastal Development Permit  
County File No. SUB2013-00054 / CO14-0021 APN:076-196-016  
Colony Lane, Avila Beach

Dear Madam:

In regards to the Environmental Determination of the aforementioned project, Port San Luis Harbor District (District) requests that proper Best Management Practices (BMPs) and good housekeeping be undertaken during construction. The District removes trash from the parking lot and stormwater swale adjacent to the proposed project site. During recent construction activities in close proximity to the planned project site, litter and construction debris accumulated in this area due to poor housekeeping and lack of adequate BMPs.

The District requests that sufficient efforts be made to ensure similar incidents do not occur during the planned construction project. These efforts should entail daily work site housekeeping, proper use of BMPs, and removal of any construction debris that enters the parking lot or stormwater swale.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Munson".

Chris Munson  
Planner/Analyst  
Port San Luis Harbor District



## Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

**ENVIRONMENTAL DETERMINATION NO.** ED13-186

**DATE:** August 21, 2014

**PROJECT/ENTITLEMENT:** MAVIS Parcel Map/ Development Plan/ Coastal Development Permit;  
SUB2013-00054/CO14-0021

**APPLICANT NAME:** Damien & Katheryne Mavis & Patrick Arnold  
**ADDRESS:** 788 Osos Street, San Luis Obispo, CA 93401  
**CONTACT PERSON:** Emily Baranek, Above Grade Engineering **Telephone:** 805-540-5515

**PROPOSED USES/INTENT:** A request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map/ Development Plan/ and Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The residences will be 25 feet in height above natural grade and will each have attached garages. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the south side of Avila Beach Drive on Colony Lane, within the community of Avila Beach, in the San Luis Bay Coastal planning area.

**LOCATION:** 2865 Avila Beach Drive, Avila Beach, CA 93424

**LEAD AGENCY:** County of San Luis Obispo  
Dept of Planning & Building  
976 Osos Street, Rm. 200  
San Luis Obispo, CA 93408-2040  
Website: <http://www.sloplanning.org>

**STATE CLEARINGHOUSE REVIEW:** YES ☒ NO ☐

**OTHER POTENTIAL PERMITTING AGENCIES:** California Coastal Commission

**ADDITIONAL INFORMATION:** Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT** ..... 4:30 p.m. (2 wks from above DATE)

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

### Notice of Determination

**State Clearinghouse No.** \_\_\_\_\_

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ *Lead Agency*  
☐ *Responsible Agency* approved/denied the above described project on \_\_\_\_\_, and  
has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

**Signature**

**Project Manager Name**

**Date**

County of San Luis Obispo

**Public Agency**





## Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.5) Using Form

### Project Title & No. Mavis Parcel Map and Development Plan/ Coastal Development Permit ED13-186 (SUB2013-00054 CO14-0021)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water /Hydrology
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

#### DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Megan Martin

Prepared by (Print)

*Megan Martin*  
Signature

8-14-14  
Date

*Ellen Carroll*

Reviewed by (Print)

Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

8-14-2014  
Date

**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Current Planning Division, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** A request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map/ Development Plan/ and Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The residences will be 25 feet in height above natural grade and will each have attached garages. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the south side of Avila Beach Drive on Colony Lane, within the community of Avila Beach, in the San Luis Bay Coastal planning area.

**ASSESSOR PARCEL NUMBER(S):** 076-196-016

Latitude: 35 degrees 10' 53" N Longitude: 120 degrees 43' 60" W

**SUPERVISORIAL DISTRICT # 3**

**B. EXISTING SETTING**

**PLANNING AREA:** San Luis Bay(Coastal), Avila Beach **TOPOGRAPHY:** Nearly level

**LAND USE CATEGORY:** Residential Multi-Family

**VEGETATION:** Mostly barren; scattered grasses (non-native)

**COMBINING DESIGNATION(S):**

**PARCEL SIZE:** 0.12 acres (6,000 square feet)

Archaeologically Sensitive Coastal Appealable Zone  
Local Coastal Plan/Program

**EXISTING USES:** Undeveloped

**SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Recreation; Avila Beach Golf Course	<i>East:</i> Residential Multi-Family; residential
<i>South:</i> Residential Multi-Family; residential	<i>West:</i> Residential Multi-Family; residential



## **C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.



## COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

### 1. AESTHETICS

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located along Beach Colony Lane within the "old railroad right-of-way" (i.e. Avila Colony). The project site is visible along Avila Beach Drive travelling into downtown Avila Beach, and at the intersection of San Miguel Street and Avila Beach Drive. These are local roads and are the main entrances into the community of Avila Beach. San Luis Obispo Creek, the Pacific Ocean, and oak woodland hillsides are the dominant natural components of the Avila Beach community but there is no view of the Pacific Ocean from Avila Beach Drive from the site, and the creek is located on the opposite side of Avila Beach Drive. This area is considered a gateway into the community therefore the design of the proposed project is important to the visual character of the community.

The property is a 6,000 square foot lot surrounded by other similar developable lots within the urban reserve line of Avila Beach. There are no alternative locations to construct a project on this property that will not be visible from Avila Beach Drive; however, due to man-made slopes through the property (slopes approximately five to six feet down from Avila Beach Drive midway through the property), a portion of the building can be placed below the slope thus creating a less massive view from Avila Beach Drive.

The site is in the Residential Multi-Family land use category and is surrounded by comparable lots to the east and west, with public parking to the south. The Avila Golf Course is adjacent to the property, just north across Avila Beach Drive. The parcel is currently undeveloped.

**Impact.** The property slopes approximately five to six feet down from Avila Beach Drive midway through the property. The proposed structure steps down through this slope which creates the view of a two story residence looking perpendicular to the site from Avila Beach Drive and the view of a three story structure from the back (along the private vehicular access easement "Beach Colony Drive"). The garage areas are entirely below this slope and can't be seen from Avila Beach Drive. There is no vehicular access off of Avila Beach Drive. A private drive currently exists along the southern portion of the property with access off of First Street and San Miguel Street.

There is no view of the Pacific Ocean from the project sites location. The view is blocked by existing commercial and residential development in downtown Avila Beach along Front Street. Development

could result in night lighting and glare impacts to surrounding properties as well as travelers along Avila Beach Drive. However, due to the area being in an urban area adjacent to other residential development, the impact is considered insignificant and lighting created from the development will be in character with surrounding development subject to a lighting plan that requires lighting elements to be shielded and directed downwards.

The proposed project would subdivide the parcel into two equal 3,000 square foot lots which would then be developed with one 1,985 square foot and one 1,917 square foot single family dwelling and attached garages on each lot. Because the lot is downslope of Avila Beach Drive, the garages will be entirely below the slope and will not be visible from Avila Beach Drive. The project does not have vehicular access off of Avila Beach Drive. The second and third stories of the residences will be visible from Avila Beach Drive to visitors and residents traveling east and/or west into and out of the Community of Avila Beach. Project design will install landscaping and transparent fencing along Avila Beach Drive to lessen the massing as seen along Avila Beach Drive.

Special design consideration was also taken into account because of the visible nature this proposed development will have on gateway views for those traveling into Avila Beach. The goal of the design was to create two structures rather than one large building with multiple units to break up the massing, and allow for some variation between the structures. The structures are proposed to have pitched roofs, articulation with window pop-outs, different shaped windows, exterior decks and columns to create visual interest. The project complies with the design standards of the Avila Beach Specific Plan and fits within the character of the neighborhood.

**Mitigation/Conclusion.** The proposed project will implement specific design criteria including: landscaping, architectural relief, and street setbacks to reduce the mass and scale of the proposed residences. No inconsistencies with the Avila Beach Specific Plan and the Coastal Zone Land Use Ordinance were identified; therefore no additional measures above what will already be required are necessary.

## 2. AGRICULTURAL RESOURCES

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project would be located on a 6,000 square foot parcel in the Residential Multi-family land use category. Properties to the south, east and west host similar small developable lots zoned Residential Multi-Family. Property to the north is within the Recreation land use category.

The property is not considered prime farmland and is not under Williamson Act contract. The primary soil type includes:

Xererts-Xerolls-Urban land complex (0 - 15% slope). This nearly level to moderately sloping soils is poorly drained. The soil has unrated erodibility and unrated shrink-swell characteristics, as well as having unrated septic system constraints. The soil is considered Class is not rated without irrigation and Class is not rated when irrigated.

**Impact.** The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

**Mitigation/Conclusion.** No mitigation measures are necessary.

### 3. AIR QUALITY

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### GREENHOUSE GASES

f) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

**Greenhouse Gas (GHG) Emissions** are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO<sub>2</sub>/year (MT CO<sub>2</sub>e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO<sub>2</sub>e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG

emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

**Impact.** As proposed, the project will result in the disturbance of approximately 6,000 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation. The project is also not in close proximity to sensitive receptors that might otherwise result in nuisance complaints and be subject to limited dust and/or emission control measures during construction.

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

The project includes a two-lot split (6,000 square foot parent parcel into two 3,000 square foot lots) and Coastal Development Permit to develop two single family residences on the resulting two 3,000 square foot lots. The resulting single family residences are proposed to be used as vacation rentals. Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

**Mitigation/Conclusion.** No significant impacts related to air quality are anticipated therefore, no mitigation measures are necessary.

#### 4. BIOLOGICAL RESOURCES

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species* or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish &amp; Wildlife or U.S. Fish &amp; Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**4. BIOLOGICAL RESOURCES***Will the project:***Potentially  
Significant****Impact can  
& will be  
mitigated****Insignificant  
Impact****Not  
Applicable**f) *Other:* \_\_\_\_\_☐☐☐☐

\* Species – as defined in Section 15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.

**Setting.** The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: Disturbed site in urban area, scattered non-native grasses

Name and distance from blue line creek(s): San Luis Obispo Creek approximately 478 feet to the North

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

<b>Natural Diversity Database – Identified Resources</b>		
<b>Vegetation</b>	<b>Wildlife</b>	<b>Habitat</b>
San Luis Obispo owl's-clover	California red-legged frog	Pismo clarkia
Obispo indian paintbrush	Tidewater goby	South/Central Coast Steelhead Trout
Santa Margarita manzanita		

**Impact.** The project site itself is a previously disturbed urban lot with some scattered non-native grasses. The site does not support any sensitive native vegetation, significant wildlife habitats, or special status species listed above; therefore, biological reports were not completed. San Luis Obispo Creek is located approximately 478 feet north of the project site which contains much of the sensitive aquatic species and habitats listed above, however development and resulting drainage from the site would not reach nor impact the riparian habitat or creek itself.

The colony lots have historically been disturbed and fill has been brought in as a result of the Avila Clean Up project and abandonment of the old railroad right-of-way. The riparian and wetland species listed above that are near the property are across Avila Beach Drive near the existing golf course where the estuary is located at the mouth of San Luis Obispo Creek into the bay at Avila Beach. This proposed project will have no impact on any of the wetland or riparian species listed above. The site also does not contain any oak woodland habitat. Generally the oak woodland habitat in this area is located on the steep hillsides around Avila Beach and adjacent to the creek areas which are not located adjacent to the subject property.

**Mitigation/Conclusion.** No significant biological impacts are expected to occur, therefore, no mitigation measures are necessary.



## 5. CULTURAL RESOURCES

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is located in an area historically occupied by the Obispeno Chumash.

The Colony project is within the area of Unocal's Avila Beach Remediation Project. In 1999-2000, archaeologist Robert Gibson (Gibson) conducted subsurface testing and monitoring of construction for the remediation project. At the request of Unocal, Gibson also conducted a Phase I surface survey of the area proposed for development along Avila Beach Drive between First Street and San Miguel Street (Applied EarthWorks, Inc., 2008).

The project area encompasses the remnants of the historic 1883 Pacific Coast Railway embankment, which was built in part using imported fill which originated from nearby cultural sites. While the majority of this material is determined to be disturbed fill, significant finds have included Native American ground and flaked stone tools, bone tools, marine shell, animal bone, burnt rock, and human remains (Gibson 2000, 2005). Due to the potential for subsequent development to impact both the prehistoric remains and historical features associated with the railway, Mr. Gibson (2005) recommended that a qualified archaeologist and local Chumash representative be present during any excavation on the embankment.

**Impact.** The project will include excavations for the proposed residences which include lower level parking to be constructed into the embankment, and disturbance of the entire property for building construction and associated landscaping. The project will disturb approximately 325 cubic yards of material from the site.

After the Unocal remediation project Robert Gibson of Gibson Archaeological Consulting was asked to review and assess impacts related to development potential along Avila Beach Drive between First Street and San Miguel Street. Gibson's review of the proposed development included specific mitigation measures for any impacts to historic and/or pre-historic materials on the site. This review by Mr. Gibson included a discussion on the potential historic nature of the 1883 railroad right-of-way bed which was constructed in a unique way by Chinese immigrants. Mr. Gibson states, "Proposed construction along Avila Beach Drive should be designed to prevent impacts to the 1883 Pacific Coast Railroad (PCR) embankment as this historical engineering feature is constructed in part with the use of disturbed prehistoric cultural soil (midden) containing human remains and associated artifactual materials. The proposed project does contain grading which will potentially impact the railroad right-of-way bed therefore monitoring and specific mitigation measures are included to mitigate any significant impacts.

**Mitigation/Conclusion.** Cultural resources may be present in the fill material that constitutes the embankment. Disturbance of this area could impact cultural resources that could be present; mitigation measures are included to reduce impacts to historic and/or pre-historic resources.

The applicant submitted a Cultural Resources Monitoring Plan for the Colony at Avila Beach prepared by Barry Price of Applied Earthworks in May 2008 and revised in December 2008. The plan outlines monitoring procedures required by Mr. Gibson during construction of the Colony project as well as activities that will take place in the event that prehistoric cultural materials from a nearby cultural site and/or intact historical features associated with the Pacific Coast Railway are discovered.



Based on Mr. Price's review, a monitoring plan has been completed with specific procedures that will take place in the event historic and/or prehistoric cultural material from SLO-56 is encountered. Mr. Price explains that if prehistoric cultural deposits or historical features are discovered during monitoring, a Phase 3 Data Recovery mitigation plan will be implemented. Data recovery involves the detailed sampling of a portion of the site or cultural materials as a representative sample of the resources that will be disturbed as a result of the project. Compliance with the submitted monitoring plan and requirements for additional Phase 3 mitigation are included as mitigation measures which will reduce cultural resource impacts to a less than significant level.

Mr. Robert Gibson also included measures for reburial of artifacts and/or remains in a secure location that will remain undisturbed in the future (Gibson July 15, 2006). "It is also possible the excavated soil could be exported to a secure location where it would not be disturbed in the future" (Gibson July 12, 2000). A specific location has been reviewed and approved for this purpose, and a preliminary grading plan has been submitted for the deposit of materials at the approved site. This approved location has been reviewed by Mr. Gibson, a Chumash representative and the project applicant/landowner. Mitigation measures are included to ensure this deposit site remains undisturbed in perpetuity, and that the re-burial is conducted under the supervision of the Chumash representative and project archaeologist.

## 6. GEOLOGY AND SOILS

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* Per Division of Mines and Geology Special Publication #42

**Setting.** The following relates to the project's geologic aspects or conditions:

Topography: Nearly level to gently sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: High

Nearby potentially active faults?: Yes Distance? approximately 241 feet to the North

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Unrated

Other notable geologic features? None

The project is within a mapped tsunami zone, is within the mapped 500-year flood zone, and may experience liquefaction settlement due to areas of low subsurface densities. Potential liquefaction is high at the property (GeoSolutions, Inc., 2013).

**DRAINAGE** – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (San Luis Obispo Creek) from the proposed development is approximately 478 feet to the north. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered poorly drained. For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.080 or CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** – The soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the soil surface is considered to have unrated erodibility and unrated shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

**Impact.** As proposed, the project will result in the disturbance of approximately 6,000 square feet. An Engineering Geology Investigation and Soils Engineering Report were completed for the proposed project (GeoSolutions, Inc., 2013). The results of on-site investigation show poor sub-surface soil conditions and a shallow groundwater table located at approximately 12 feet below ground surface. Potential for liquefaction has been identified at the site. Due to the existing subsurface conditions, GeoSolutions included specific site preparation, grading, and foundation design recommendations. Implementation of these recommendations would reduce potential impacts related to liquefaction to a level of insignificance.

**Mitigation/Conclusion.** The project is conditioned to comply with all recommendations of the Engineering Geology Investigation and Soils Engineering Report prepared by GeoSolutions, Inc. Implementation of these recommendations would reduce potential impacts related to liquefaction to a level of insignificance. In addition, the project will comply with standard measures required by ordinance or codes. Incorporation of these measures will reduce potential geology, geotechnical, drainage, and sedimentation and erosion impacts to a level of insignificance.

## 7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impair implementation or physically interfere with an adopted emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be within a 'very high' fire hazard severity zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Be within an area classified as a 'state responsibility' area as defined by CalFire?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is not located in an area of known hazardous material contamination. The project is not within a 'high' or 'very high' severity risk area for fire. The project is not within the Airport Review area.

With regards to potential fire hazards, the subject site is within the Moderate Fire Hazard Severity Zone(s). Based on the County's fire response time map, it will take approximately 0-5 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts.

**Impact.** The project does not propose the use of hazardous materials, nor the generation of hazardous wastes. The proposed project is not found on the 'Cortese List' (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). The project does not present a significant fire safety risk. The project is not expected to conflict with any regional emergency response or evacuation plan.

**Mitigation/Conclusion.** No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

## 8. NOISE

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate permanent increases in the ambient noise levels in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Cause a temporary or periodic increase in ambient noise in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project is within close proximity (approximately 25 feet) to Avila Beach Drive, a heavily travelled roadway. The proposed project is within an area that is projected to exceed the county's 60 decibel (dB) threshold.

**Impact.** The proposed residence may be exposed to unacceptable levels from Avila Beach Drive, which is considered a potentially significant effect. Indoor and Outdoor activity areas for the proposed residence could exceed the standards of the Noise Element.

Based on the expected noise levels, the additional construction measures, as specified in the Noise Element, would reduce interior noise levels to acceptable levels.

**Mitigation/Conclusion.** Based on the noise impacts to residents from Avila Beach Drive, the project will be required to incorporate the following measures to reduce potential noise impacts to less than significant levels:

The project, being within the 60-65 future decibel boundary, as identified in the County's Noise

Element, will be subject to additional building construction measures to ensure acceptable interior noise levels can be achieved.

The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:

- a. Air conditioning or a mechanical ventilation system
- b. Solid core exterior doors with perimeter weather stripping and threshold seals
- c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
- d. Roof or attic vents baffled.

## 9. POPULATION/HOUSING

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions, however, because the project includes two single family residences, impacts to housing are not anticipated.

**Impact.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing. No significant population and housing impacts are anticipated.

**Mitigation/Conclusion.** Prior to map recordation, the applicant will pay an affordable housing in-lieu fee consistent with the applicable fee ordinance.

## 10. PUBLIC SERVICES/UTILITIES

*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**10. PUBLIC SERVICES/UTILITIES**

*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <b>Police protection (e.g., Sheriff, CHP)?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <b>Schools?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <b>Roads?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <b>Solid Wastes?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <b>Other public facilities?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <b>Other:</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project area is served by the following public services/facilities:

Police: County Sheriff

Location: City of Pismo Beach (Approximately 5.77 miles to the Southeast)

Fire: Cal Fire (formerly CDF)

Hazard Severity: Moderate

Response Time: 0-5 minutes

Location: Approximately 1.17 miles to the Northeast

School District: San Luis Coastal Unified School District.

For additional information regarding fire hazard impacts, go to the 'Hazards and Hazardous Materials' section

**Impact.** No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police/sheriff and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

**11. RECREATION**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Increase the use or demand for parks or other recreation opportunities?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <b>Affect the access to trails, parks or other recreation opportunities?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b>Other</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park,

recreational resource, coastal access, and/or Natural Area.

Based on the County Trails Map, the project is within reasonably close proximity to the Bob Jones, Wild Cherry Canyon, and Avila Beach to Harford Pier Trails. The Parks Department, based on a referral (May 6, 2014; Elizabeth Kavanaugh), will require the applicant to, prior to map recordation, submit payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

**Impact.** The proposed project will not create a project specific significant need for additional park, Natural Area, and/or recreational resources, but will contribute the cumulative demand for parks and recreation resources.

**Mitigation/Conclusion.** The "Quimby" fee will adequately mitigate the project's impact on recreational facilities. No other significant recreation impacts are anticipated.

## 12. TRANSPORTATION/CIRCULATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Level of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Development at the Avila Colony Projects will access onto the following public road(s): Colony Lane (a private access drive) which will intersect both First Street and San Miguel Street, both county maintained roads. No access will be taken directly from Avila Beach Drive. These roadways

are currently operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

**Circulation Study Area.** The project is within the San Luis Bay Circulation Fee area. This fee provides the means to collect "fair share" monies from new development to help fund certain regional road improvements that will be needed once the area reaches "build-out". The project will be subject to this fee.

**Impact.** The proposed project is estimated to generate approximately 20 trips per day, based on the Institute of Traffic Engineer's manual of 9.57 trips per day per single family residence (and this project includes two residences). A vacation rental is assumed to generate the same amount of traffic. This amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels, but it will contribute to areawide cumulative impacts. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable. The project does not conflict with adopted policies, plans and programs on transportation.

**Mitigation/Conclusion.** To mitigate cumulative areawide impacts to the San Luis Bay Area, the applicant will be required to pay a traffic fee to fund regional road improvements. No other project specific significant traffic impacts were identified, and no mitigation measures above what are already required by ordinance are necessary.

### 13. WASTEWATER

#### *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project will be served by Avila Beach Community Services District for wastewater disposal. This system is currently operating at acceptable levels and the system has the capacity to support existing commitments in addition to the proposed project.

**Impact.** The project proposes to use a community system as its means to dispose of wastewater. Based on the proposed project, the proposed community system has the capacity to handle the project's additional effluent. In a response received from Avila Beach Community Services District, the applicant will be required to meet all conditions of their will serve for water and sewer and pay all applicable fees.

**Mitigation/Conclusion.** Given that the system is currently operating at acceptable levels and that it has the capacity to support existing commitments in addition to the proposed project no mitigation measures are necessary.



**14. WATER & HYDROLOGY***Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<b>QUALITY</b>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Change rates of soil absorption, or amount or direction of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Involve activities within the 100-year flood zone?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>QUANTITY</b>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project proposes to obtain its water needs from a public water system (Avila Beach Community Services District). The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level to steeply sloping as the site steps down approximately

6-8 feet from Avila Beach Drive to Colony Lane. The closest creek from the proposed development is approximately 0.09 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have low unrated erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

**DRAINAGE** – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? San Luis Obispo Creek Distance? Approximately 478 feet

Soil drainage characteristics: Not well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110 or CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the the project's soil erodibility is as follows:

Soil erodibility: Low

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

### **Impact – Water Quality/Hydrology**

With regards to project impacts on water quality the following conditions apply:

- ✓ Approximately 6,000 square feet of site disturbance is proposed and the movement of approximately 325 cubic yards of material;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project is not on highly erodible soils,
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Parking area drainage inlets will be fitted with hydrocarbon filters;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin

will be less than significant.

The project is within the Stormwater Management Area. All projects in areas subject to stormwater regulation are required to file a Stormwater Control Plan (SWCP) except for small projects involving less than 2,500 square feet of net impervious surface area. In general, compliance with stormwater control is achieved by reducing the amount of runoff, directing runoff to vegetated areas, dispersing drainage, and using bio-retention cells for treatment and retention.

The project site currently has existing impervious area of 1,320 square feet (curb, gutter, sidewalk, Beach Colony Lane). The proposed project would create approximately 4,180 square feet of new impervious area and 500 square feet of pervious area (landscaping). The project proposes to implement site design measures to reduce runoff from the site including: sumped planted areas to retain irrigation and rain water, roof downspouts directed toward planted areas, and use of permeable pavers for driveway. The project, with implementation of the above measures, fully complies with all applicable performance requirements.

### Water Quantity

On water use, based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 0.48 acre feet/year (AFY). Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

Based on the latest Annual Resource Summary Report, the project's water source is adequate to provide for the project's water needs.

**Mitigation/Conclusion.** As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect water quality.

Based on the proposed amount of water to be use and the water source, no significant impacts from water use are anticipated.

## 15. LAND USE

### *Will the project:*

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**15. LAND USE****Will the project:**

Inconsistent

Potentially  
Inconsistent

Consistent

Not  
Applicable

e) Other: \_\_\_\_\_

☐☐☐☐

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

Section 23.04.028(d) – Residential Single-Family and Multi-Family Categories.- Condominiums. A condominium, planned development or similar residential unit ownership project pursuant to Section 66427 et seq. of the Subdivision Map Act may use smaller parcel sizes to be determined through the Development Plan approval by the Review Authority, as set forth in Section 23.02.034, at the same time as tentative map approval, provided that:

- (1) The common ownership parcel is in compliance with the provisions of this section; and
- (2) The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

The common ownership parcel meets the minimum lot size at 6,000 square feet and the proposed density of residential units is in compliance with Section 23.04.084.

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent and compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/Conclusion.** No inconsistencies were identified; therefore no additional measures above what will already be required were determined necessary.

**16. MANDATORY FINDINGS OF SIGNIFICANCE****Will the project:**Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicable

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* ☐ ☒ ☐ ☐
- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)* ☐ ☐ ☒ ☐
- c) *Have environmental effects which will cause substantial adverse effects on*

*human beings, either directly or indirectly?* ☐

☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Information", or the California Environmental Resources Evaluation System at: [http://www.ceres.ca.gov/topic/env\\_law/ceqa/guidelines](http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines) for information about the California Environmental Quality Act.

### **Exhibit A - Initial Study References and Agency Contacts**

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<b><u>Contacted</u></b>	<b><u>Agency</u></b>	<b><u>Response</u></b>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Building Division	Attached
<input checked="" type="checkbox"/>	County General Services	Attached
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Wildlife	Not Applicable
<input type="checkbox"/>	CA Department of Forestry (Cal Fire)	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	Avila Community Services District	Attached
<input checked="" type="checkbox"/>	Avila Valley Advisory Council	None
<input checked="" type="checkbox"/>	Native American Heritage Commission	None
<input checked="" type="checkbox"/>	HEAL SLO	In File**

**\*\* "No comment" or "No concerns"-type responses are usually not attached**

The following checked (☒) reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Project File for the Subject Application  | <input checked="" type="checkbox"/> Energy Wise Plan                               |
| <b><u>County documents</u></b>  | <input checked="" type="checkbox"/> San Luis Bay(Coastal) Area Plan and Update EIR |
| <input checked="" type="checkbox"/> Coastal Plan Policies   |  |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)   |  |
| <input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements: |  |
| <input checked="" type="checkbox"/> Agriculture Element   |  |
| <input checked="" type="checkbox"/> Conservation & Open Space Element   |  |
| <input type="checkbox"/> Economic Element   |  |
| <input checked="" type="checkbox"/> Housing Element   |  |
| <input checked="" type="checkbox"/> Noise Element   |  |
| <input checked="" type="checkbox"/> Parks & Recreation Element/Project List   |  |
| <input checked="" type="checkbox"/> Safety Element  |  |
| <input checked="" type="checkbox"/> Land Use Ordinance (Coastal)  |  |
| <input type="checkbox"/> Building and Construction Ordinance  |  |
| <input checked="" type="checkbox"/> Public Facilities Fee Ordinance   |  |
| <input checked="" type="checkbox"/> Real Property Division Ordinance  |  |
| <input checked="" type="checkbox"/> Affordable Housing Fund   |  |
| <input type="checkbox"/> Airport Land Use Plan  |  |

- |   |   |
|---|---|
| <input type="checkbox"/> Design Plan  | <input checked="" type="checkbox"/> Area of Critical Concerns Map                                     |
| <input checked="" type="checkbox"/> Avila Specific Plan   | <input checked="" type="checkbox"/> Special Biological Importance Map                                 |
| <input checked="" type="checkbox"/> Annual Resource Summary Report                              | <input checked="" type="checkbox"/> CA Natural Species Diversity Database                             |
| <input type="checkbox"/> Circulation Study  | <input checked="" type="checkbox"/> Fire Hazard Severity Map  |
| <u>Other documents</u>  | <input checked="" type="checkbox"/> Flood Hazard Maps   |
| <input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook                                | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input checked="" type="checkbox"/> Regional Transportation Plan                                | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)       |
| <input checked="" type="checkbox"/> Uniform Fire Code   | <input type="checkbox"/> Other  |
| <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) |   |
| <input checked="" type="checkbox"/> Archaeological Resources Map                                |   |

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

1. Archaeological Review of Cultural Resources in the Pacific Coast Railway right-of-way, adjacent to Avila Beach Dr. Avila Beach, CA , Gibsons Archaeological Consulting, July 12, 2000
2. Cultural Resources Monitoring Plan, Barry A. Price of Applied EarthWorks, Inc., May 2008 and revised December 2008.
3. Engineering Geology Investigation – The Colony, Lots 1 and 11, GeoSolutions, Inc., March 18, 2013.
4. Soils Engineering Report – The Colony, Lots 1 and 11 Beach Colony Lane, Geo Solutions, Inc., March 18, 2013.
5. Suggest Reburial Area for Displaced Cultural Deposits – Memorandum, Robert O. Gibson, Principal Archaeologist, July 15, 2006.
6. Review of Cultural Resource Treatment Plan for the Colony at Avila Beach Project, Avila Beach, San Luis Obispo County, CA, Gibsons Archaeological Consulting, December 8, 2005



## Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

### ***Cultural Resources***

- CR-1 During construction/ground disturbing activities**, the applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied EarthWorks Inc., dated May 2008 and revised December 2008, including retaining a Chumash representative during ground disturbance.
- CR-2** Any soil from the embankment that is excavated shall remain on the lot where it originated from or be transported to the approved location as shown on the "Colony Retrieval Site" map dated July 15, 2006. Reburial and relocation of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist who shall also be on site during depositing of materials and/or reburial activities.
- CR-3 Prior to final inspection** the applicant shall submit the final Phase III monitoring/mitigation report (completed by Applied EarthWorks, Inc.) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied EarthWorks, Inc. (May 2008).
- CR-4 During construction/ground disturbing activities**, in the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department of Planning and Building so proper disposition may be accomplished. If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition and pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (i.e. avoid, rebury).

### ***Noise***

- N-1** The applicant will demonstrate that the two single family residences are designed to minimize interior noise exposure including, but not limited to the following features:
  - a. Air conditioning or a mechanical ventilation system.
  - b. Solid core exterior doors with perimeter weather stripping and threshold seals.
  - c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer).
  - d. Roof or attic vents baffled.

### ***Geology and Soils***



**GS-1** The applicant shall comply with the recommendations and requirements, or comparable, listed in the submitted Soils Engineering Report and Engineering Geology Investigation for The Colony, Lots 1 and 11, Avila Beach Drive, Avila Beach, San Luis Obispo County, California, GeoSolutions, Inc., March 18, 2013 to include: preparation of building pads, paved areas, pavement design, mat foundation, post-tensioned slabs, slab-on-grade construction, retaining walls.

DATE: August 8, 2014  
 REVISED: August 12, 2014

**DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM  
 FOR MAVIS PARCEL MAP/ DEVELOPMENT PLAN/ COASTAL DEVELOPMENT  
 PERMIT  
 ED13-186 (SUB2013-00054/CO14-0021)**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Per Public Resources Code Section 21081.6 the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, is responsible to verify compliance with these COAs.

**Project Description:** A request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map/ Development Plan/ and Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The residences will be 25 feet in height above natural grade and will each have attached garages. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the south side of Avila Beach Drive on Colony Lane, within the community of Avila Beach, in the San Luis Bay Coastal planning area.

<p><b>Note:</b> The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.</p>
--

***Cultural Resources***

**CR-1** During construction/ground disturbing activities, the applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied EarthWorks Inc., dated May 2008 and revised December 2008, including retaining a Chumash representative during ground disturbance.

<p><b>Monitoring:</b> Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.</p>
---

**CR-2** Any soil from the embankment that is excavated shall remain on the lot where it originated from or be transported to the approved location as shown on the "Colony Retrieval Site" map dated July 15, 2006. Reburial and relocation of cultural materials at

this location shall be conducted under the authority of the local Chumash representative and the project archaeologist who shall also be on site during depositing of materials and/or reburial activities.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

**CR-3 Prior to final inspection** the applicant shall submit the final Phase III monitoring/mitigation report (completed by Applied EarthWorks, Inc.) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied EarthWorks, Inc. (May 2008).

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

**CR-4 During construction/ground disturbing activities,** in the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department of Planning and Building so proper disposition may be accomplished. If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition and pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (i.e. avoid, reburial).

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

#### **Noise**

**N-1** The applicant will demonstrate that the two single family residences are designed to minimize interior noise exposure including, but not limited to the following features:

- a. Air conditioning or a mechanical ventilation system.
- b. Solid core exterior doors with perimeter weather stripping and threshold seals.
- c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer).
- d. Roof or attic vents baffled.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.


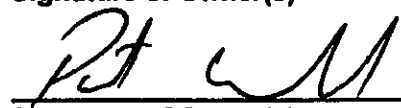


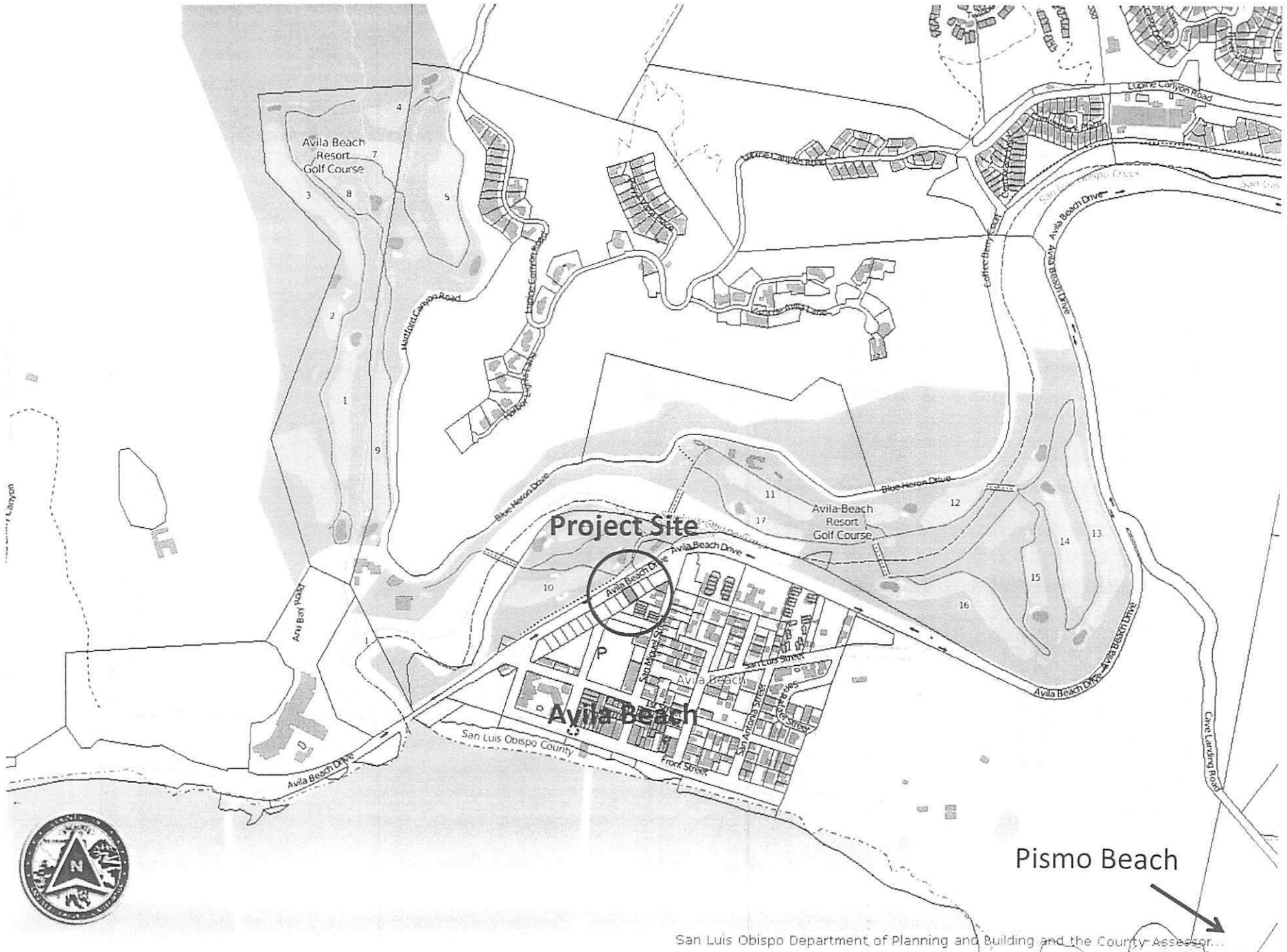
**Geology and Soils**

**GS-1** The applicant shall comply with the recommendations and requirements, or comparable, listed in the submitted Soils Engineering Report and Engineering Geology Investigation for The Colony, Lots 1 and 11, Avila Beach Drive, Avila Beach, San Luis Obispo County, California, GeoSolutions, Inc., March 18, 2013 to include: preparation of building pads, paved areas, pavement design, mat foundation, post-tensioned slabs, slab-on-grade construction, retaining walls.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

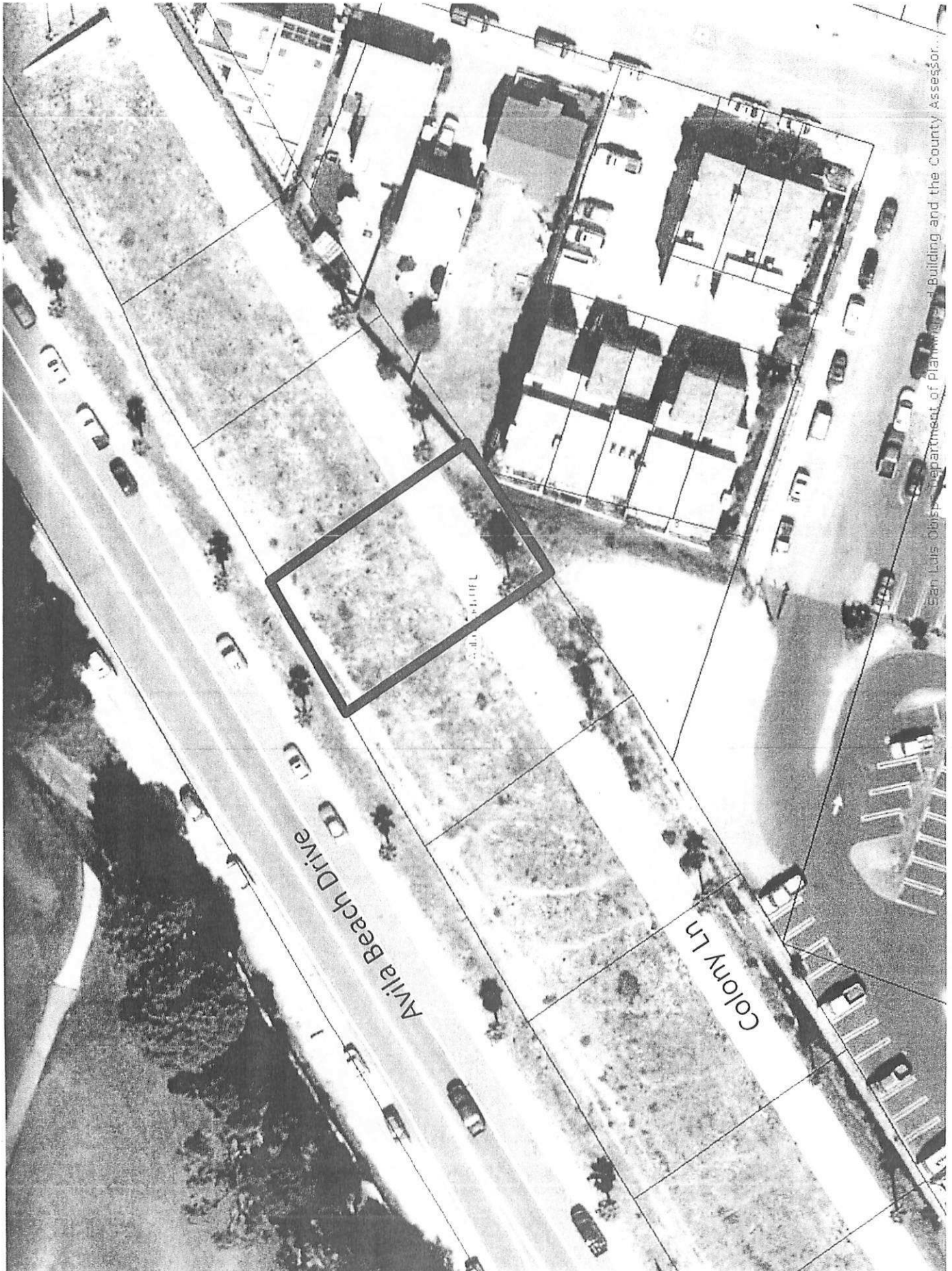
 Signature of Owner(s)	Damien Mauis Name (Print)	8/13/14 Date
 Signature of Owner(s)	Pat Arnold Name (Print)	8/13/14 Date

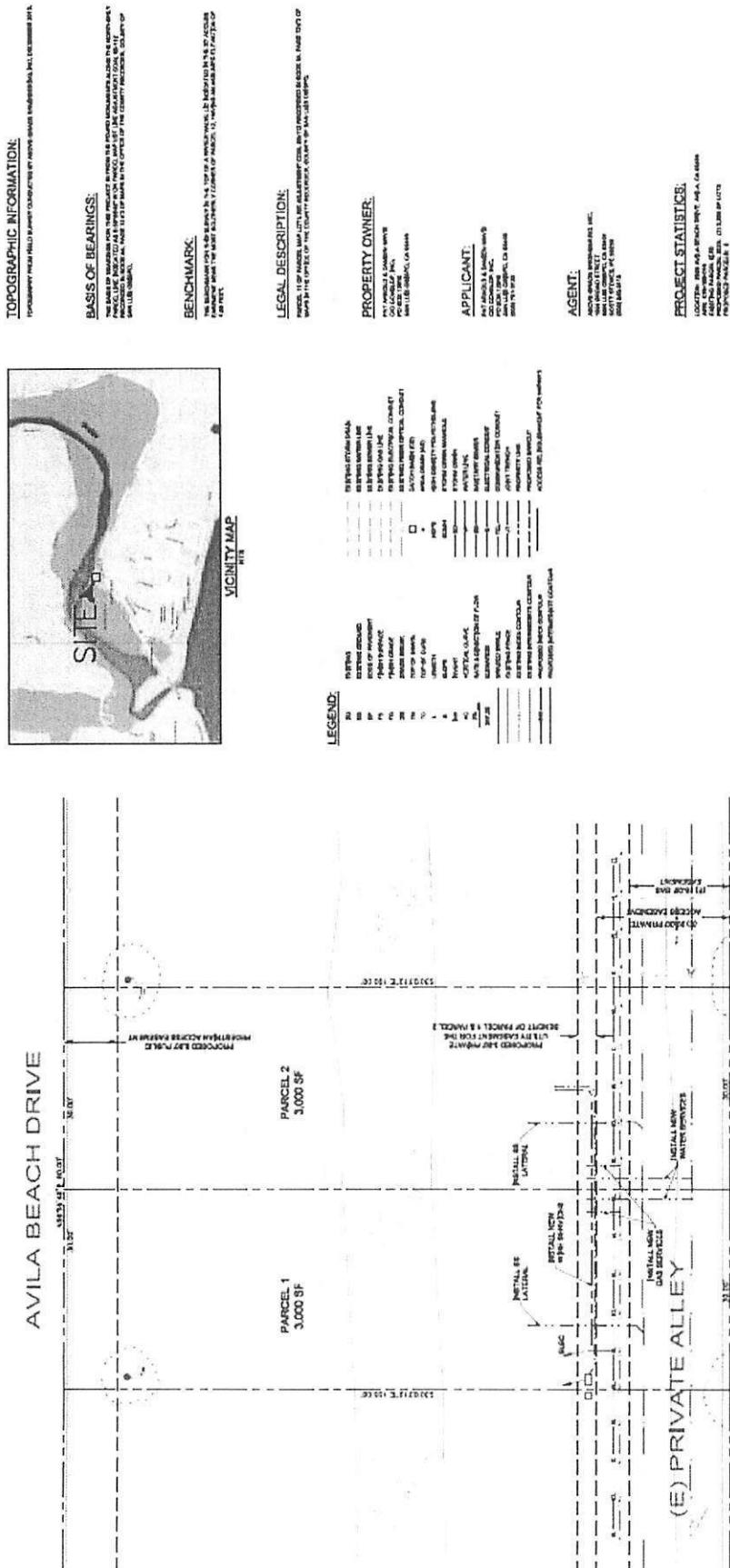




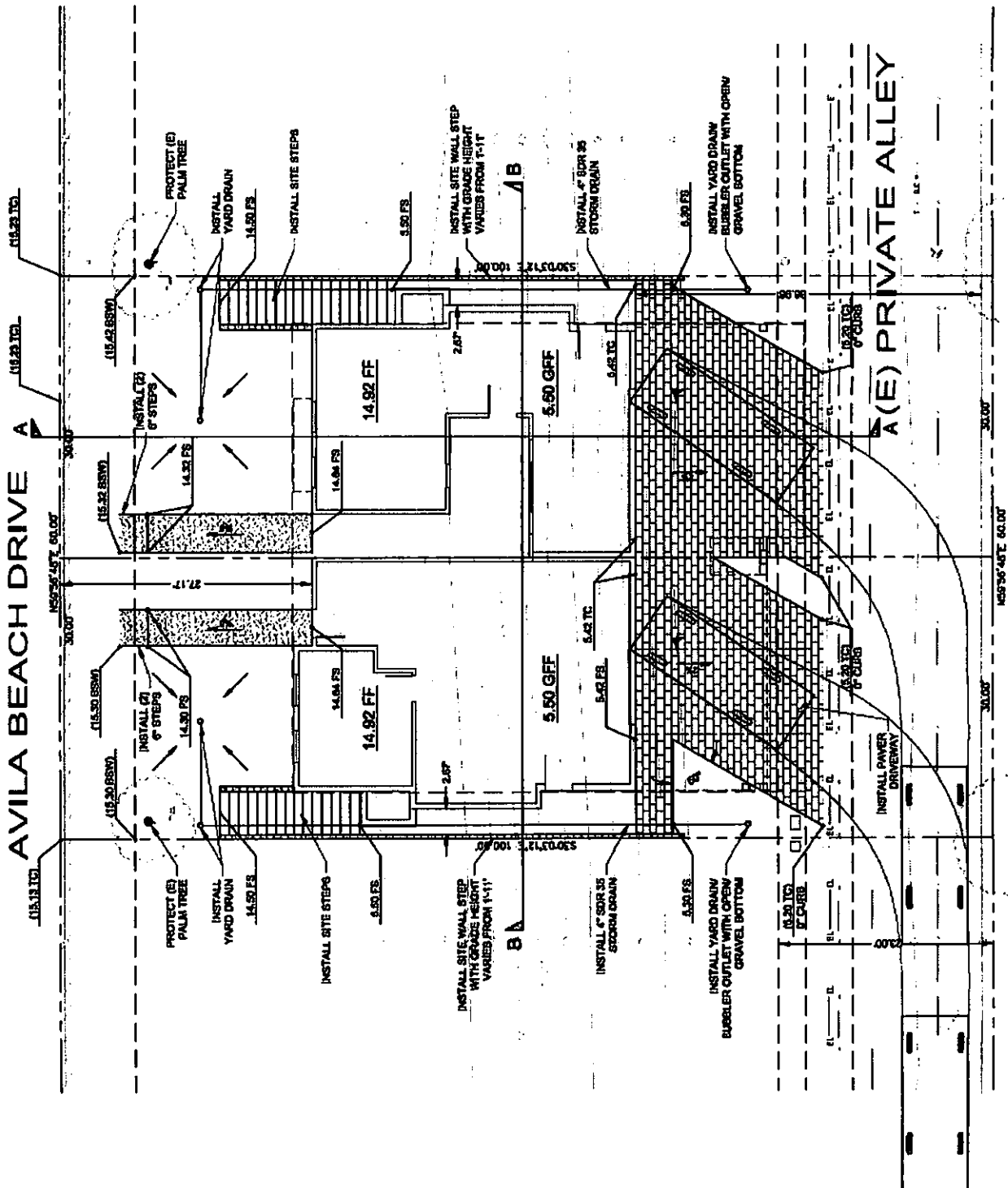




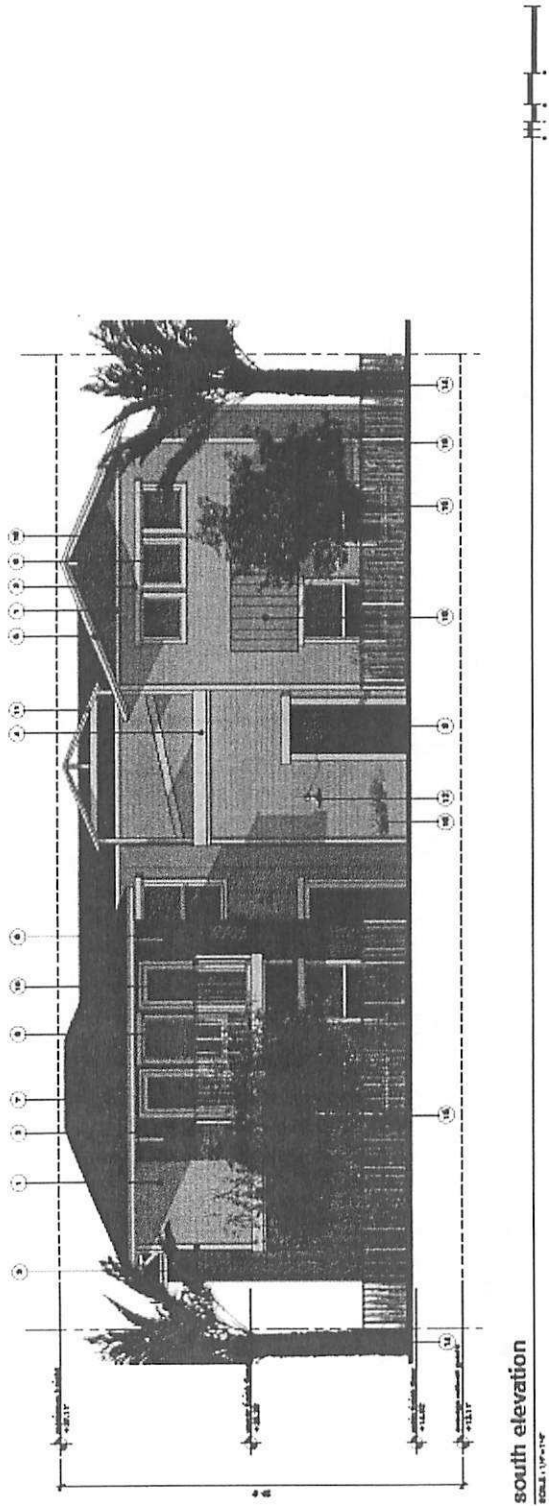




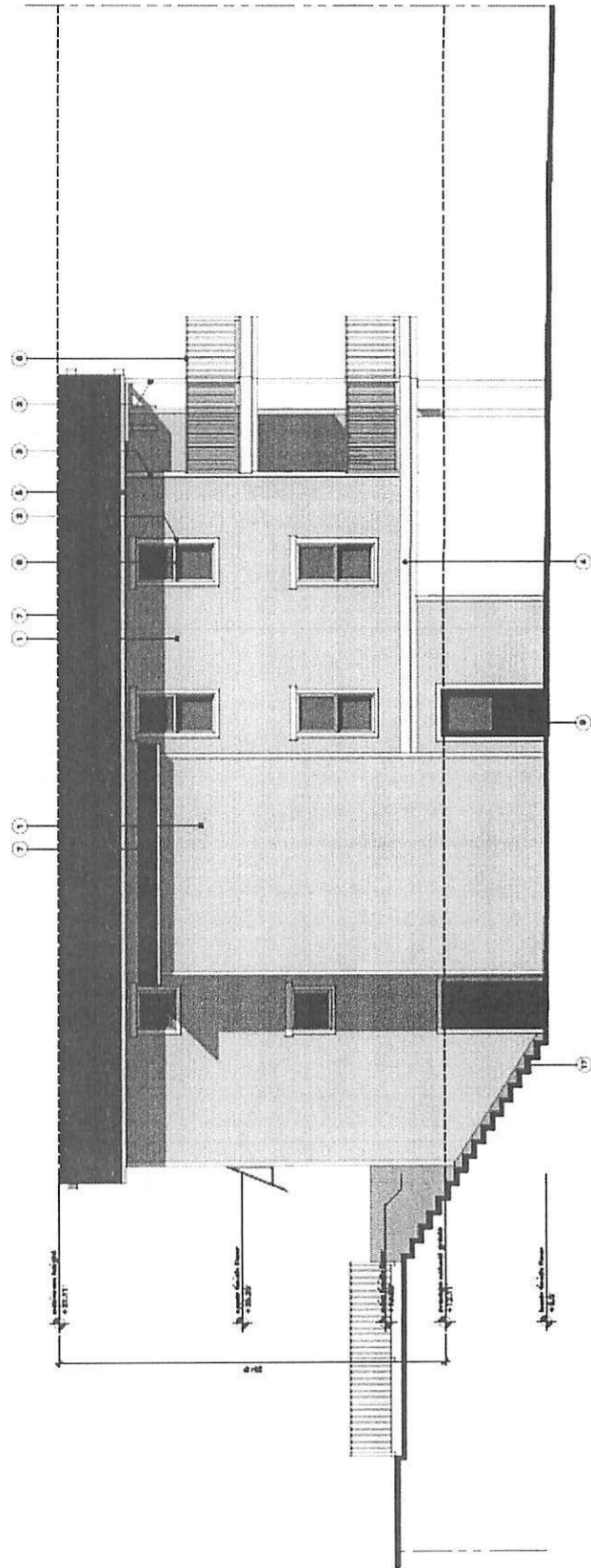




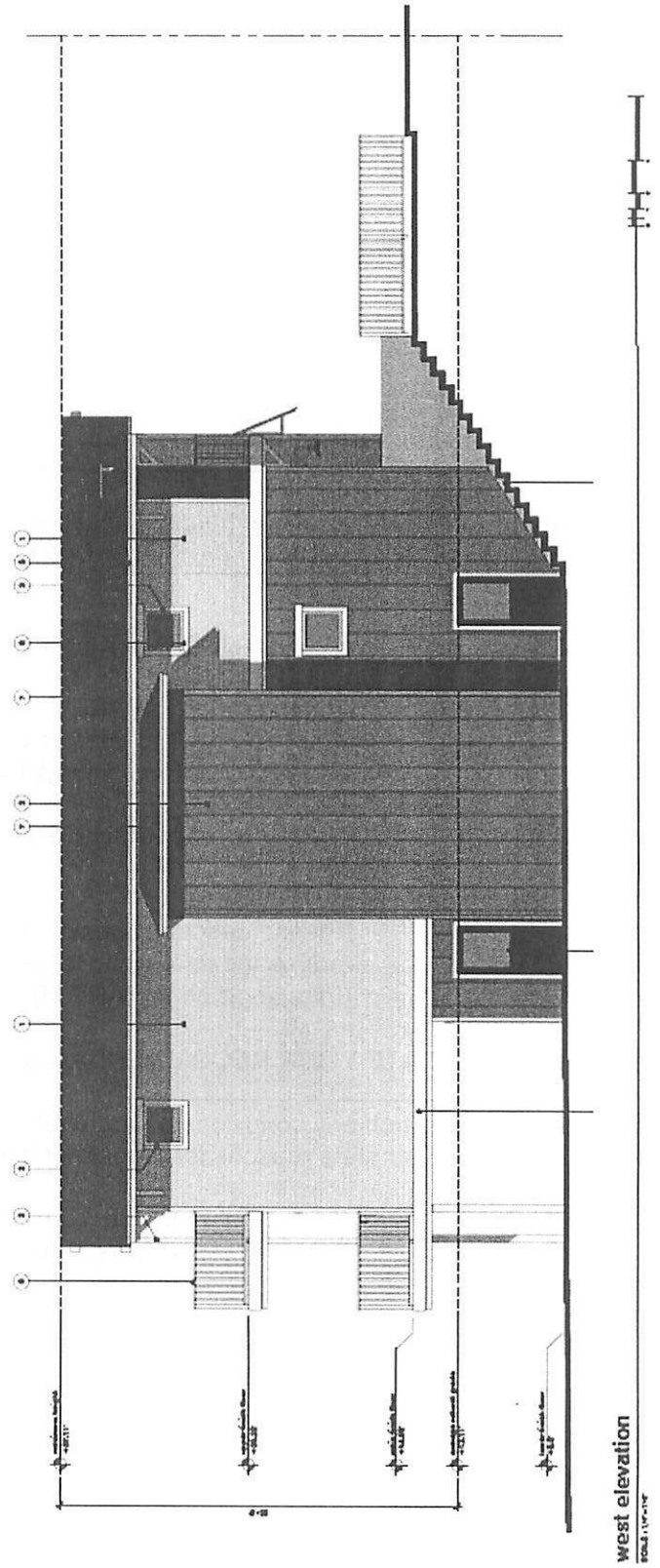
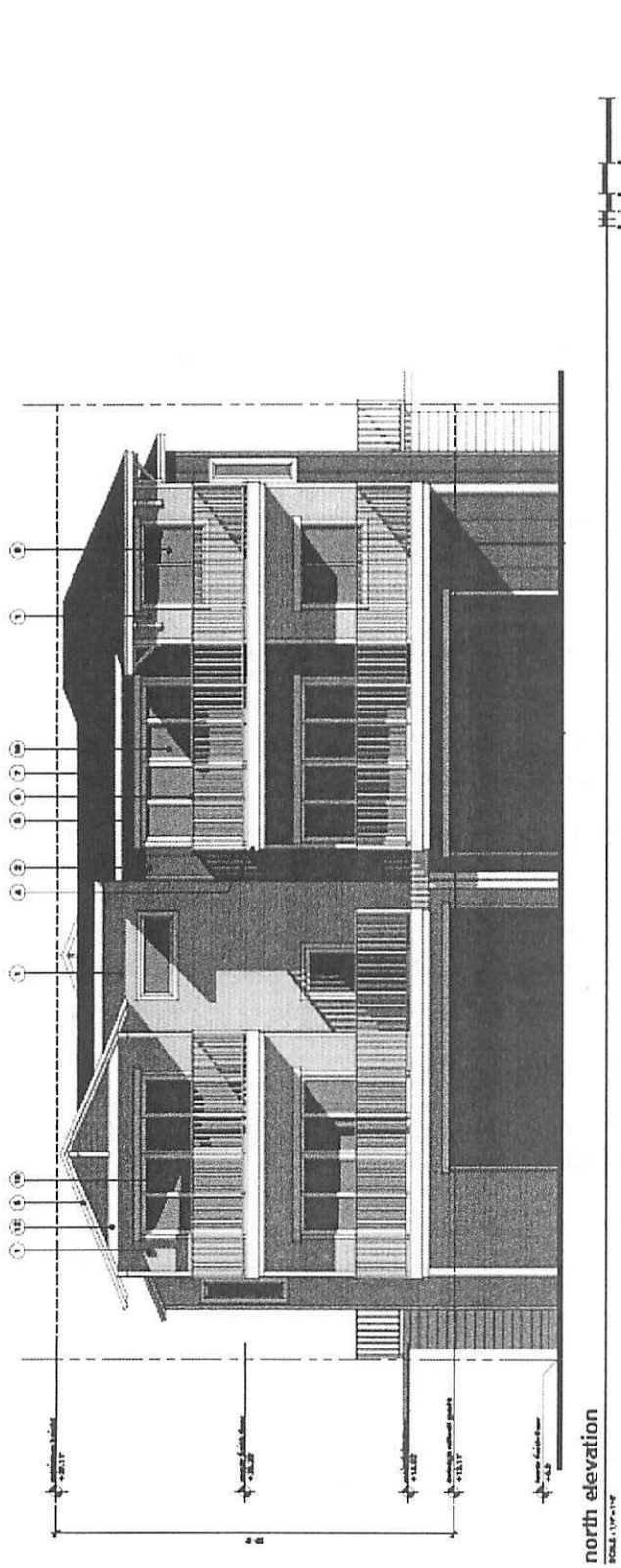




south elevation  
SCALE: 1/8" = 1'-0"



east elevation  
SCALE: 1/8" = 1'-0"






 FH  
 SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

 RECEIVED  
 MAR 14 2014  
 COUNTY OF SAN LUIS OBISPO  
 DEPARTMENT OF PUBLIC WORKS

DATE: 3/13/2014

TO: PW

 FROM: Megan Martin (805-781-4163 or mamartin@co.slo.ca.us)  
 Coastal Team / Development Review

**PROJECT DESCRIPTION:** SUB2013-00054 CO14-0021 MAVIS – Proposed parcel map with conditional use permit to subdivide parcel into two parcels for two new single family residences of 1983 and 1917 sf respectively with attached garages and balconies. Site location is 2865 Avila Beach Dr, Avila Beach. APN: 076-196-016

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)  
☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)  
☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

*Tentative map is lacking information required per 21.09.046(a)  
 see attached checklist.*

Date

3/18/14

Name

DRION

Phone

x5252

## SLO County Public Works Dept.

## 21.02.046(a) TENTATIVE MAP Check List

(Parcel Map or ~~Tract Map~~) Map No. CD 14-0021by DRION 3/18/2014

Status	Item
✓	(1) <u>Record Data</u> . The boundary lines of the original parcel, with dimensions shown in feet, based on survey data or information of record, and area of the property shown in square feet or acres to the nearest tenth.
① O	(2) <u>Property Description</u> . A description of the property as well as the assessor's parcel number(s) for the property.
② O	(3) <u>Legend and Owner Information</u> . A north arrow and scale, the name and address of the record owner(s), and the name and address of the subdivider.
③ O	(4) <u>Vicinity Map</u> . A vicinity map on which shall be shown the general area including adjacent property, subdivisions and roads.
	(5) <u>Existing Structures</u> . All existing structures, wells, septic tanks, driveways and other improvements located on the original parcel shall be accurately located, identified and drawn to scale. The distance between structures, the distance from existing structures to the boundary lines of the new parcel on which the structures are to be located, and the height of each structure shall be shown. Such distances shall be established by a registered civil engineer's or licensed land surveyor's survey when deemed necessary by the planning department.
✓	(6) <u>Contour Lines</u> . Contour lines of the property shall be shown at intervals set forth: >40 Ac, 40ft; 20-40 AC, 20 ft; 10-20 AC, 10 ft; <10 AC w/ 0-12% slope, 2 ft; >12% slope, 5 ft.
	(7) <u>Drainage</u> . The approximate location of all watercourses, drainage channels and existing drainage structures.
X	(8) <u>Landforms</u> . The approximate location of other topographic or manmade features, such as bluff tops and ponds.
X	(9) <u>Lakes and Ocean</u> . Approximate high-water lines in lakes or reservoirs, and the mean high tide line of the ocean.
X	(10) <u>Flood Hazard</u> . The location of all areas subject to inundation or stormwater overflow.
✓	(11) <u>Proposed Parcel Lines</u> . The proposed division lines with dimensions in feet and the gross and net area of each parcel created by such division in square feet or acres to the nearest tenth. Also, each parcel created shall be designated on the tentative map by number.
	(12) <u>Designated Building Sites</u> . Any designated building sites proposed by the applicant to minimize grading, tree removal, and other potential adverse impacts, or any areas proposed for exclusion from construction activities, shall be shown on the tentative map for proposed parcels greater than ten thousand square feet. Also, any details on proposed building setback lines and widths of side yards shall be shown on the tentative map.
④ O	(13) <u>Streets</u> . The locations, <u>names</u> , county road numbers and widths of all adjoining and contiguous highways, streets and ways.
	(14) <u>Easements</u> . The locations, purpose and width of all existing and proposed easements, streets (with proposed names) and appurtenant utilities.
X	(15) <u>Coastal Zone</u> . For tentative maps for properties located within the coastal zone between the sea and the first public road paralleling the sea, show the location of the public access ways nearest to the subject site.
⑤ ✓	<u>21.02.048 (a)(2)</u> <u>Preliminary Title Report</u> . Preliminary title report concerning the property which is not more than six months old showing current property owners.

X = Not Applicable O = Requires Compliance ✓ = Complied

For Tract Map Applications only: \$ deposit rec'd Y / N C&amp;I Agreement rec'd Y / N

## COMMENTS:

- ① Legal Description is incorrect  
 ② Scale is incorrect. Add graphic scale. Confirm units on map & title report.  
 ③ Vicinity map is lacking. Add properties, subdivisions and roads.  
 Site is not correct location.  
 ④ Add name of possible road: County Rd #2570 and width to Avila Beach Dr.  
 (Beach Colony Lake)

⑤ Property address on PTR ≠ map

Comments based on Tentative map dated 3/10/14, PTR 4009-9539559, 11/20/2013





# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

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County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252  
Fax (805) 781-1229 email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

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## MEMORANDUM

Date: March 21, 2014  
To: Megan Martin, Coastal team / Development Review  
From: Frank Honeycutt, Development Services Engineer  
Subject: **Public Works Project Referral for SUB2013-00054 CO14-0021 –Mavis Parcel Map and CUP for 2 residential lots. SR1, 2865 Avila Beach Drive APN 076-196-016**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

---

**PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR PUBLIC WORKS REVIEW AND COMMENT:**

---

1. Drainage or Flood Hazard information.
2. The project shall comply with the Land Use Ordinance, Section 22.10.155 for Stormwater Management. The following information outlined in the Land Use Ordinance, Section 22.10.155.G shall be submitted to the County for review and approval:
  - a. The applicant shall demonstrate whether the project is subject to LUO Section 22.10.155 for Stormwater Management.
  - b. Applicable projects shall submit the following to the County for review and approval: Stormwater Quality Plan; Conservation of natural areas narrative; Stormwater pollutant of concerns narrative; Drainage Plan; Erosion and Sedimentation Control Plan; Mechanism in place for long-term maintenance of BMPs; and Calculations for treatment control BMPs.
  - c. The applicant shall demonstrate the project has incorporated the minimum number of County approved LID structural practices into the project. Refer to the brochure Interim Low Impact Development Guidelines for further information and references for LID design.

**Public Works Comments:**

- A. At the time the project referral was received by Public Works on March 14, 2014 the application acceptance date had not been established. The attached recommended conditions of approval are subject to change based on Ordinances and Policies in affect at the date of application acceptance.
- B. The project meets the applicability criteria outlined in the Land Use Ordinance, Section 22.10.155 or the Coastal Zone Land Use Ordinance, Section 23.04.450 for Stormwater Management; therefore, the project is subject to the NPDES General Permit Attachment 4 Design Standards.

**Recommended Public Works Conditions of Approval**

**Improvement Maintenance:**

1. Prior to map recordation the developer shall submit a proposed Constructive Notice for the subdivision to the county Public Works Department for review and approval. The constructive notice shall provide at a minimum the following provisions:
  - a. The maintenance, within the public road right of way and / or any public pedestrian easement adjacent thereto, of the sidewalks, landscaping, and pedestrian amenities fronting each of the separate lots or parcels within the subdivision in accordance with the county Public Improvement Standards shall be the solely responsibility of the owner of each of the separate lots or parcels aforesaid and said owner's heirs, executors, administrators, successors and assigns in perpetuity, or until specifically accepted for maintenance by a public agency.
  - b. After approval the Constructive Notice shall be recorded in the office of the County Recorder and a copy of the recorded document submitted to the Public Works Department.

**Improvement Plans:**

2. Prior to final map recordation, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
3. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

**Additional Map Sheet:**

4. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
  - a. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Avila Road Improvement Fees for each future building permit in the amount prevailing at the time of payment.

- b. The applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMPs as identified for project incorporation in the applicant's Stormwater Quality Plan Application for Priority Projects
- c. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- d. The additional map sheet shall contain the final conditions of approval for the Development Plan as they are shown in the Notice of Final Action.

**Miscellaneous:**

- 5. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
- 6. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

V:\\_DEVserv Referrals\Land Divisions\Parcel Maps\CO 2014-0021 SUB2013-00054 Mavis.doc



SAN LUIS OBISPO COUNTY

## DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL **RECEIVED**

DATE: 3/13/2014

TO:

ENV HEALTH

FROM: Megan Martin (805-781-4163 or mamartin@co.slo.ca.us)  
Coastal Team / Development Review

*no fees??*

MAR 14 2014

SR 13730

**Environmental Health**

**PROJECT DESCRIPTION:** SUB2013-00054 CO14-0021 MAVIS – Proposed parcel map with conditional use permit to subdivide parcel into two parcels for two new single family residences of 1983 and 1917 sf respectively with attached garages and balconies. Site location is 2865 Avila Beach Dr, Avila Beach. APN: 076-196-016

Return this letter with your comments attached no later than: 14 days from receipt of this referral.  
CACs please respond within 60 days. Thank you.

**PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?**

- ☐ YES (Please go on to PART II.)  
☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

**PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?**

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)  
☐ NO (Please go on to PART III)

**PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.**

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Applicant has not obtained a prelim health clearance letter & should do so. A valid will serve / intent to serve from ABCSD is needed stacks comm writers sewer

Date

4/14/14

Name

*[Signature]*

Phone

x5551

**COALITION PARTNERS:**

*Arroyo Grande Community Hospital  
Boys and Girls Club – South County  
Cal Poly University  
Art and Design Department  
Center for Sustainability  
Food Science & Nutrition Department  
Kinesiology Department  
Landscape Architecture Department  
STRIDE  
CenCal Health  
Central Coast Ag Network  
City of San Luis Obispo  
Parks and Recreation Department  
Community Action Partnership of  
SLO County, Inc.  
Dairy Council of California  
Diringer Associates  
Equilibrium Fitness  
First 5 Commission of SLO  
French Hospital Medical Center  
Juiciful Creative Consulting  
Kennedy Club Fitness  
Lillian Larsen Elementary School  
Living the Run  
Lucia Mar Unified School District  
Network for a Healthy California –  
Gold Coast Region  
North County Farmers Market Assoc.  
Oceano Community Center  
Paso Robles Library & Recreation Services  
Rideshare – Safe Routes to School  
San Luis Sports Therapy  
San Miguel Joint Unified School District  
San Miguel Resource Connection  
SLO Bicycle Coalition  
SLO Council of Governments  
SLO County Board of Supervisors  
SLO County Health Commission  
SLO County Office of Education  
SLO County Parks  
SLO County Planning and Building  
SLO County Public Health  
SLO Food Bank Coalition  
The Community Foundation SLO County  
UC Cooperative Extension  
YMCA of SLO County*

**May 8, 2014**

**TO:** San Luis Obispo County Planning Commission  
**FROM:** HEAL-SLO - Healthy Communities Work Group  
**RE:** SUB2013-00054 CO14-0021 MAVIS

The Healthy Communities work group has reviewed the conditional use permit application seeking to subdivide a parcel into two parcels for two new single family residences at 2865 Avila Beach Drive, Avila Beach. APN: 076-196-016.

Healthy Communities supports the potential resulting effect of adding density to the area. Research has indicated dense development patterns help reduce vehicle miles traveled by placing people and the activities they conduct in a more concentrated area, which can help reduce sprawl, conserve land and promote physical activity (Transportation Research Board, 2009).

While we do not foresee any immediate and obvious negative health or environmental impacts with this project, we recommend the provision of future crosswalk infrastructure and appropriate signage at the intersection of Avila Beach Drive and San Miguel Street, which would provide an additional link to the Bob Jones Trail and access to the downtown corridor.

Thank you for the opportunity to review this project. We will monitor this proposal as it moves forward in the planning process.

Thank you for the opportunity to review this project.

cc: San Luis Obispo County Health Commission

*HEAL-SLO is the SLO County obesity prevention coalition and its mission is to increase healthy eating and regular physical activity among County residents through policy, behavioral and environmental changes. In carrying out that mission, a subcommittee called the Healthy Communities Work Group provides responses to Planning staff from a healthy community's perspective on proposed land development projects, ordinance and general plan amendments, and special projects.*

COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
OFFICE MEMORANDUM

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DATE: October 6, 2014  
TO: Subdivision Review Board  
FROM: Megan Martin, Current Planning  
SUBJECT: Item 3 – October 6, 2014 SRB Hearing – Mavis Tentative Map and Development Plan/ Coastal Development Permit (SUB2013-00054)

**Recommendation to modify Development Plan Conditions of Approval – Exhibit B Condition No. 1 In order to clarify this project is a planned development project and not a condominium. Revised Condition 1 shall read:**

1. This approval authorizes:
  - a. ~~Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels~~ as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.

**Recommendation to add the following conditions to Development Plan Conditions of Approval – Exhibit B to include requirements for the Vacation Rental:**

**Residential Vacation Rental Operational Conditions**

2. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total.
4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the



construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

5. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking.
6. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.
7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time.
8. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.
9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:
  - a. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
  - b. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in

the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.

10. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.
11. If the Business License issued for the residential vacation rental expires pursuant to Title 6 of the County Code, a new Zoning Clearance and/or Business License shall be required and shall be subject to all standards as set forth in the Residential Vacation Rental Ordinance (Section 23.08.165).
12. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include:
  - a. Failure to notify County staff when the contact person, or contact information, changes.
  - b. Violation of the residential vacation rental tenancy standards.
  - c. Violation of the residential vacation rental maximum occupancy, parking and noise requirements.
  - d. The inability of County staff or the Sheriff's Dispatch to reach a contact person.
  - e. Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Signed affidavits by members of the community may be used to verify violations. Revocation of the Minor Use Permit, Zoning Clearance and/or Business License shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

**Recommendation to revise Condition No.2 (original) to Condition of Approval – Exhibit B. Staff incorrectly determined average natural grade and the applicant will need to revise the site plan to illustrate the corrected average natural grade.**

#### Site Development

2. **At the time of application for construction permits**, submit a revised ***site plan, floor plan, architectural elevations to detail exterior finish materials, colors, and height above natural grade on all sides of proposed buildings*** to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:

- a. Revised measurement of average natural grade to reflect the lowest point where the structure meets existing grade;
- b. Revised plans to show a pitched roof with a slope greater than 2.5 in 12; and,
- c. Revised height of the residences not to exceed 25 feet above average natural grade.

**Recommendation to modify Tentative Parcel Map Conditions of Approval – Exhibit D Condition No. 1 of Subdivision Review Board Hearing Item No. 2. In order to clarify this is a planned development project and not a condominium. Revised Condition 1 shall read:**

13. This approval authorizes:

- a. ~~Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels~~ as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.

**Recommendation to modify Tentative Parcel Map Conditions of Approval – Exhibit D Condition No. 15. Staff recommends the modification to reflect the homeowner's responsibility to maintain the common use areas through development of a homeowner's association or maintenance agreement as allowed by the California Civil Code Section 4157.**

**Covenants, Conditions and Restrictions**

15. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall establish a home owners association (or otherwise satisfy the requirements of California Civil Code Section 4157) and provide at a minimum the following provisions:
- a. A site plan showing the common use areas.
  - b. Maintenance of landscaping.
  - c. Maintenance of common areas.
  - d. Maintenance of all driveways.
  - e. A common wall or party wall agreement, deed restriction or other enforceable restriction will be recorded.

**Staff report (p.1) shall be modified as follows:**

A request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The residences will be 25 feet in height above natural grade and will each have attached garages. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the south side of Avila Beach Drive on Colony Lane, within the community of Avila Beach, in the San Luis Bay Coastal planning area.

**Staff Report (p.3) paragraph 7 shall be modified as follows:**

*Section 23.04.110(f) – Side setbacks for special development types*

~~The project will consist of common wall development, where~~ Common Wall Development. Any two dwelling units, and/or their accessory garages are constructed on adjoining lots without setbacks between them. This ordinance section applies to existing standard sized lots where the land owners wish to have a common wall but are not proposing a condominium or planned development which would require common use lot or common use area.

**Staff Report (p.4) paragraph 1 shall be modified as follows:**

*Staff Response: As a ~~condominium~~/planned development the proposed project falls under a different ordinance section (23.04.028d - Condominiums). Condominiums and planned developments may have attached common walls by definition. In fact, most condominiums and planned developments have multiple buildings with multiple common walls where side setbacks from adjacent property lines are set by the Coastal Zone Land Use Ordinance as discussed above.*

**Staff Report (p.7) paragraph 2 shall be modified as follows:**

*Staff Response: This proposed ~~condominium~~—project is subject to ordinance section (23.04.028d). Condominiums and planned developments may have attached common walls by definition. Side setbacks from adjacent property lines in the residential multi-family land use category are set by the Land Use Ordinance Section 23.04.100 at 3 feet.*

If you have any questions concerning these requirements, please contact me at (805) 781-4163.



Promoting the wise use of land  
Helping build great communities

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

Field Code Changed

**SUBDIVISION REVIEW BOARD**

MEETING DATE October 6, 2014	CONTACT/PHONE Megan Martin (805) 781-4163 mamartin@co.slo.ca.us	APPLICANT Damien and Katheryne Mavis, Patrick Arnold	FILE NO. CO 14-0021 SUB2013-00054
<b>SUBJECT</b> A request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels <u>as a planned development</u> , 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The residences will be 25 feet in height above natural grade and will each have attached garages. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the south side of Avila Beach Drive on Colony Lane, within the community of Avila Beach, in the San Luis Bay Coastal planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Tentative Parcel Map CO14-0021 and Development Plan/Coastal Development Permit SUB2013-00054 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 21, 2014 for this project. Mitigation measures are proposed to address cultural resources, geology and soils, noise, public services/utilities, recreation, and transportation/circulation and are included as conditions of approval.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Archaeologically Sensitive, Local Coastal Plan Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 076-196-016	SUPERVISOR DISTRICT(S) 3
<b>PLANNING AREA STANDARDS:</b> Avila Beach Specific Plan			
<b>LAND USE ORDINANCE STANDARDS:</b> Minimum Parcel Size			
<b>EXISTING USES:</b> Vacant, undeveloped			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Recreation / Avila Beach Golf Course East: Residential Multi Family / Vacant South: Residential Multi Family / Residences West: Residential Multi Family / Vacant			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, General Services/Parks, Building Division, Cal Fire, HEAL SLO, Avila Community Services District, California Coastal Commission, Avila Valley Advisory Council.	
TOPOGRAPHY: Site is nearly level with one steep short slope across the northern third of the property.	VEGETATION: Non-native scattered grasses
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Avila Beach Fire	ACCEPTANCE DATE: May 9, 2014

#### PROJECT HISTORY:

The project site is located on an existing legal lot within the "old railroad right of way" along Avila Beach Drive in the community of Avila Beach. The lots within this area were approved by a lot line adjustment in August 1997 and recorded by parcel (final) map at Book 54, Page 73. (This parcel is Parcel 11 of COAL 96-112).

#### PROJECT DESCRIPTION:

The proposed project is a planned development which includes the subdivision of one approximately 6,000 square foot parcel into two parcels, and the subsequent development of two residential units. The proposed parcels will each be approximately 3,000 square feet. One residence will be approximately 1,913 square feet with an attached two car garage, and the second residence will be approximately 1,983 square feet with an attached two car garage. Both residences will be used as separate vacation rentals. Access for the parcels will be off a private easement (Colony Lane) and the lots will not have vehicular access from Avila Beach Drive.

#### ORDINANCE COMPLIANCE:

##### TITLE 21 REAL PROPERTY DIVISION ORDINANCE

###### *Section 21.09.010 - Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing park or recreational facilities to serve land divisions.

*Staff Response: Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.*

###### *Section 21.03.010 - Design Criteria: Factors to be considered*

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of Title 21 of the Real Property Division Ordinance. Design standards include but are not limited to compliance with all ordinance and general plan requirements, Subdivision Map Act regulations, landscaping, access and circulation, drainage, water and sewer services, utilities, and any additional coastal requirements.



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## TITLE 23 COASTAL ZONE LAND USE ORDINANCE

### *Minimum Parcel Size*

Section 23.04.028 of the Coastal Zone Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Multi-Family land use category. Generally, minimum parcel size standards are determined by a series of tests that include the type of road that provides access to the site, slope, and type of wastewater facility available to the site. However, this project is subject to Section 23.04.028(d) - *Condominiums*, which allows for a smaller parcel size with Development Plan approval, as long as the following can be met:

1. The common ownership external parcel is in compliance with the provisions of this section; and
2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi Family land use category.

*Staff Response: The proposed project meets both of these requirements as the common ownership parcel (i.e. "parent parcel") is 6,000 square feet, which meets the minimum parcel size requirement of 6,000 square feet and is in compliance with the density requirements of Title 23 (Section 23.04.084). The Avila Beach Specific Plan density standards override Section 23.04.084 but in this case are the same. For further discussion on multi-family density, refer to the density section of this staff report under Avila Beach Specific Plan.*

### *Section 23.04.160 - Parking*

Parking requirements for single family dwellings require 2 parking spaces per dwelling. The proposed project includes two spaces for each residence.

*Staff Response: The proposed project complies with this requirement. Each residence will have an attached two-car garage at the lower level.*

### *Section 23.04.100 – Setbacks*

The front property line for the project site is parallel with Avila Beach Drive. For all residential uses, a minimum front setback of 25 feet is required; the rear property line for the site is parallel with Colony Lane. The minimum rear setback is 10 feet on sites of less than one acre in net area. Side setbacks within urban and village reserve areas are to be 10 percent of the lot width, to a maximum of five feet but not less than 3 feet on sites less than one acre in net area.

*Staff Response: The proposed project complies with these requirements. The proposed single family residences will be setback from the front property line approximately 27 feet and setback from the rear property line 10 feet. The proposed side setback from adjacent lots is 3 feet which meets the 10 percent lot width setback requirement.*

### *Section 23.04.110(f) – Side setbacks for special development types*

~~The project will consist of common wall development, where Common Wall Development. Any~~ two dwelling units, and/or their accessory garages are constructed on adjoining lots without setbacks between them. This ordinance section applies to existing standard sized lots where the land owners wish to have a common wall but are not proposing a condominium or planned development which would require common use lot or common use area. The two dwelling units may be constructed as such provided that:

1. The setback has been eliminated through Subdivision Map or Development Plan approval;

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2. A common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded; and
3. The side setbacks opposite the common wall property line are not less than two times the minimum width required by this section.
4. Common wall construction is in compliance with the Uniform Building Code.

*Staff Response:* As a ~~condominium~~/planned development the proposed project falls under a different ordinance section (23.04.028d - Condominiums). Condominiums and planned developments may have attached common walls by definition. In fact, most condominiums and planned developments have multiple buildings with multiple common walls where side setbacks from adjacent property lines are set by the Coastal Zone Land Use Ordinance as discussed above.

#### **Section 23.08.165 – Residential Vacation Rentals**

A residential vacation rental is the use of an existing residence as a rental for transient use. This does not include the rental of the entire residence for periods of thirty days or longer. In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor serving accommodation. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

*Staff Response:* The proposed project does not meet the location standard because it is within 50 feet of an existing vacation rental. The applicant has submitted a request as a part of the project description to modify the location standard to allow for both residences to be used as vacation rentals. This request to modify the location standard is made part of the Development Plan and as such, complies with these requirements as conditioned.

### **PLANNING AREA STANDARDS:**

#### San Luis Bay Area Plan

##### *Avila Beach Specific Plan*

The Avila Beach Specific Plan, and any amendments made thereto is hereby incorporated into this Land Use Element as though it were fully set forth here. All development within the Avila Beach Specific planning area (as shown above) is to be in conformity with the adopted Specific Plan, as well as all other applicable LCP standards. In the event of any conflict between the provisions of the San Luis Bay Area Plan and the Specific Plan, the Specific Plan shall control.

**Residential Standards.** All new residential development shall be designed to protect public view corridors to the beach and ocean.

*Staff Response:* The proposed project does not inhibit any public view corridors. The best public views in this area are through the street corridors which are protected rights of way. This project site contains development adjacent to the south-west (mix of commercial and residential development) which currently block views along Avila Beach Drive in this particular location to the beach and ocean. This project will not further inhibit existing views of the beach and ocean because of existing surrounding development.

**Storm Drainage.** The project is required to incorporate Best Management Practices (BMP's) to address storm water runoff.

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*Staff Response: The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event. The proposed project is conditioned to include BMP's in the grading and drainage plans to meet this requirement.*

#### **AVILA BEACH SPECIFIC PLAN STANDARDS:**

##### *Density*

Allowable density shall be low density (up to 15 units to the acre), but can be increased up to 38 units to the acre if the following conditions are met (to be determined by the Planning Commission through Development Plan review):

1. There would be no greater obstruction of public views and no greater limitation of solar access to adjacent properties than at 15 units per acre;
2. The bulk, massing and design character of the project would be consistent with that of the surrounding adjacent parcels, and
3. All other design guidelines and standards applicable to Residential Multi Family are met.

*Staff Response: The project as proposed is designed at the high density level relative to the maximum floor area and minimum open area required. The project complies with the criteria for increased density because there is no greater obstruction of public views due to existing development adjacent to the property. There is also no greater solar obstruction to the nearest existing residence which is located approximately 45 feet to the south. The project complies with all ordinance requirements as conditioned.*

*The required base square footages for high density include the following:*

	DENSITY	MAX FLOOR AREA	MIN. OPEN AREA
Allowed	38 units/acre (5 units)	65% (3,900 sq ft)	40% (2,400 sq ft)
Proposed	2 units	3,900 sq ft	3,295 sq ft.

##### *Setbacks*

To achieve conformance with existing development patterns, front setback requirements should be consistent with adjacent parcels. The proposed project is not located adjacent to any existing structures on Avila Beach Drive, which would affect the front setback requirement. The front setback for the proposed project is 25 feet as per the Coastal Zone Land Use Ordinance.

##### *Allowable Building Height*

Building height should be 20 feet, however maximum height is 25 feet provided the following are met:

1. Height would result in no greater obstruction of public views and no greater limitation of solar access to adjacent properties than a 20 foot building.
2. The building has a pitched roof with a slope greater than 2.5 in 12, and the additional height above 20 feet is used to achieve this pitched roof. Height shall be measured as specified in the Coastal Zone Land Use Ordinance.

*Staff Response: The project is proposed to be 25 feet as measured from average natural grade. The project would not result in greater obstruction of public views and no greater limitation of solar access to adjacent properties. The building has a pitched roof with a slope of 5 to 12, and the additional height above 20 feet is used to achieve this pitched roof. The proposed project complies with the two height requirements for solar access and roof pitch as proposed.*

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*Off-Street Parking requirements and location*

Parking requirements are set forth in the Coastal Zone Land Use Ordinance for the proposed project (see parking under ordinance requirements for specific numbers). To reduce visual impacts, required parking spaces shall not be located in the front setback, except as provided in paragraph 23.04.108 a(2) of the Coastal Zone Land Use Ordinance.

*Staff Response: The proposed project complies with this requirement. Both residences have proposed all off-street spaces (two spaces per residence) to be located within the attached garages.*

*Drainage Requirements*

All new development within the Residential Multi-Family area shall conform to the drainage standards described in the Avila Beach Urban Area Standards in the San Luis Bay Area Plan. *This project complies with this standard as conditioned.*

*Affordable Housing*

CZLUO section 23.04.092 requires new residential developments of more than eleven units set aside 15% of multifamily units for households of low or moderate income. The proposed project includes two residential units and therefore is exempt from this requirement because it is less than 11 units.

Field Code Changed

**COMBINING DESIGNATIONS:**

*Local Coastal Program*

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

*Coastal Appealable Zone*

The project is appealable to the Coastal Commission because the project is between the first public road and the ocean.

**COMMUNITY ADVISORY GROUP COMMENTS:**

Avila Valley Advisory Council Sub-Committee: The Avila Valley Advisory Land Use Committee met on March 27, 2014 to discuss the proposed project. Comments and concerns by the sub-committee were heard by the applicant and staff and it was determined that additional information and a follow-up meeting was necessary prior to the sub-committee submitting its comments to the Avila Valley Advisory Committee. Revised plans were submitted to staff but these plans were not forwarded to the sub-committee and a follow-up meeting was not scheduled. A follow-up meeting has been scheduled for October 1, 2014 where the sub-committee will discuss the revised plans and provide additional comments to the Avila Valley Advisory Committee. The following concerns related to the project were summarized by the sub-committee in electronic mail dated September 7, 2014 and the first meeting held March 27, 2014.

1. Lot Width – Section 23.04.090g.(1) provides for a minimum lot width of 35'.

*Staff Response: Section 23.04.090g(1) provides for a minimum lot width of 35 feet for affordable housing density bonus. The proposed project is not requesting an affordable housing density bonus and therefore is not subject to the standards provided in Section 23.04.090g (1).*

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2. Side Setback – Section 23.04.110f.(2)(iii) Common Wall Development provides for side setbacks to be at least twice the setback as established for a Condominium multi-family project, which for this project is 10% of the 30' width or 3'. The required setback is 6'. The applicant has proposed only 3'.

*Staff Response: This proposed ~~condominium~~ project is subject to ordinance section (23.04.028d). Condominiums and planned developments may have attached common walls by definition. Side setbacks from adjacent property lines in the residential multi-family land use category are set by the Land Use Ordinance Section 23.04.100 at 3 feet.*

3. Building Height – Section 23.04.122 illustrates the Measurement of Height to determine the average mean elevation. The applicant has incorrectly determined this average mean elevation resulting in a higher building height than allowed by the Specific Plan.

*Staff Response: Figure A1.1 illustrates "lower finish floor" and "main finish floor" which is not the same as the highest and lowest point where the exterior walls touch the natural grade as required by Section 23.04.122 – Measurement of Height. "Lower finish floor" and "main finish floor" is the surveyed elevation where the residences floors will sit when the site has been graded. Figure C-2 illustrates the existing elevation contours existing across the proposed parcels. The highest point where an exterior wall touches the natural grade is approximately 16 feet; the lowest point where an exterior wall touches the natural grade is approximately 8 feet. The average natural grade is approximately 12 feet. The applicant correctly determined the average natural grade and as conditioned is limited to a maximum height of 25 feet above natural grade. The proposed residence will not exceed 25 feet in height above average natural grade.*

4. The applicants are requesting these residences be used as "vacation rentals". This conflicts with 23.08.165c (Residential vacation rentals) ordinance which states: "within the Avila Beach Community Service District boundaries, in all residential/recreational land use categories, no two (2) contiguous parcels (APN#s) shall be vacation rentals and no two (2) contiguous or adjacent units in a parcel (one APN#) shall have vacation rentals."

*Staff Response: In all Residential and Recreation land use categories within Avila Beach, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or visitor-serving accommodation. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required. The applicant has requested the location standard be modified through consideration of the Development plan.*

#### AGENCY REVIEW:

Public Works: Comments and recommended conditions of approval received March 18, 2014 and March 21, 2014 are kept in the file and included as part of Exhibit B – Conditions of Approval. Additionally, Public Works requested the applicant demonstrate whether the project is subject to LUO Section 22.10.155 for Stormwater Management and that a Stormwater Quality Plan be submitted for review and approval.

*Staff Response: The applicant submitted a Stormwater Control Plan application to Public Works. Public Works determined based on the impervious surface values no improvements were needed (T. Tomlinson, 2014). Conditions of approval have been included as part of Exhibit B – Conditions of Approval.*

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Environmental Health: "The applicant has not obtained a preliminary health clearance letter and should do so. A valid will serve/intent to serve from ABCSD is needed." (Leslie Terry, April 14, 2014).

*Staff Response: The applicant has obtained a valid intent to serve letter from the ABCSD (K. Richardson, March 13, 2014).*

General Services/Parks: "Pay Quimby Fees." (Elizabeth Kavanaugh, May 6, 2014)

*Staff Response: The project as conditioned is required to pay parkland fees.*

Building Division: Comments included in Exhibit B – Conditions of Approval as applicable.

Cal Fire: Fire Safety Plan received August 24, 2014 (Tony Gomes, August 24, 2014).

HEAL SLO: "Healthy Communities supports the potential resulting effect of adding density to the area□ recommend the provision of future crosswalk infrastructure and appropriate signage at the intersection of Avila Beach Drive and San Miguel Street, which would provide an additional link to the Bob Jones Trail and access to the downtown corridor." (HEAL-SLO, May 8, 2014).

Avila Community Services District: "The applicant will need to meet all conditions of will serve fee water and sewer and pay all applicable fees"; (Kathryn Richardson, March 13, 2014.)

*Staff Response: The applicant is responsible for contacting the Avila Beach Community Services District to confirm water and sewer conditions and all fees have been met.*

Port San Luis Obispo Harbor District: In a letter dated September 4, 2014, the Harbor District requested that the proper Best Management Practices and good housekeeping be implemented during construction. During recent construction activities in close proximity to the planned project site, litter and construction debris accumulated in the area due to poor housekeeping and lack of adequate BMPs. The District requests that sufficient efforts be made to ensure similar incidents to do not occur during the planned construction project. These efforts should entail daily work site housekeeping, proper use of BMPs, and removal of any construction debris that enters the parking lot or stormwater swale.

*Staff Response: The project, as conditioned, is required to incorporate BMPs into construction to address storm water runoff. These measures will be included on the drainage and grading plans and are designed to treat and infiltrate water runoff up to and including the 85<sup>th</sup> percentile storm event. In addition, the project as conditioned will be required to provide good housekeeping practices to ensure construction debris and litter do not accumulate during or after construction.*

California Coastal Commission: None received.

LEGAL LOT STATUS:

The one existing parcel was legally created by the recordation of a map for Lot Line Adjustment COAL 96-112, Parcel #11 (Book 54, Page 73 of Parcel Maps).



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Staff report prepared by Megan Martin and reviewed by Terry Wahler and Steve McMasters.

## ATTACHMENT 2

**REVISED CONDITIONS OF APPROVAL - EXHIBIT B**  
**CONDITIONS FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT**

**Approved Development**

1. This approval authorizes:

- a. ~~Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.~~ Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.
- b. The maximum height of the residences shall be 25 feet as measured from average natural grade.

**Residential Vacation Rental Operational Conditions**

2. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total.
4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

## ATTACHMENT 2

5. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking.
6. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.
7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time.
8. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.
9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:
  - a. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
  - b. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in

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## ATTACHMENT 2

the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.

10. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.

11. If the Business License issued for the residential vacation rental expires pursuant to Title 6 of the County Code, a new Zoning Clearance and/or Business License shall be required and shall be subject to all standards as set forth in the Residential Vacation Rental Ordinance (Section 23.08.165).

12. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include:

- a. Failure to notify County staff when the contact person, or contact information, changes.
- b. Violation of the residential vacation rental tenancy standards.
- c. Violation of the residential vacation rental maximum occupancy, parking and noise requirements.
- d. The inability of County staff or the Sheriff's Dispatch to reach a contact person.
- e. Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Signed affidavits by members of the community may be used to verify violations. Revocation of the Minor Use Permit, Zoning Clearance and/or Business License shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

**Conditions required to be completed at the time of application for construction permits**

Site Development

13. At the time of application for construction permits, submit a revised **site plan, floor plan, architectural elevations to detail exterior finish materials, colors, and height above natural grade on all sides of proposed buildings** to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:

## ATTACHMENT 2

- a. Revised measurement of average natural grade to reflect the lowest point where the structure meets existing grade;
- b. Revised plans to show a pitched roof with a slope greater than 2.5 in 12; and

~~a-c. Revised height of the residences not to exceed 25 feet above average natural grade. At the time of application for construction permits, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.~~

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~~3-14.~~ **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

~~4-15.~~ **At the time of application for construction permits**, the applicant shall provide roofing materials which comply with the requirements of the Avila Beach Specific Plan and are non-reflective materials.

#### *Fire Safety*

~~5-16.~~ **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

#### *Services*

~~6-17.~~ **At the time of application for construction permits**, the applicant shall provide a letter from Avila Beach Community Services District stating they are willing and able to service the property.

#### **Conditions to be completed prior to issuance of a construction permit**

#### *Noise*

~~18.7.~~ (N-1) The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:

- a. Air conditioning or a mechanical ventilation system
- b. Solid core exterior doors with perimeter weather stripping and threshold seals
- c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
- d. Roof or attic vents baffled.

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#### *Fees*

~~8-19.~~ **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

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## ATTACHMENT 2

*Best Management Practices*

**9-20. Prior to issuance of a construction permit**, the construction documents shall show that the project complies with Best Management Practices (BMP's) to address storm water runoff. The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85<sup>th</sup> percentile storm event.

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**40-21.** "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

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**Conditions to be completed during project construction**

**44-22. Fugitive PM<sub>10</sub> Mitigation Measures** (All required PM<sub>10</sub> measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD **prior to construction/grading permit issuance**)

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**Field Code Changed**

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;

## ATTACHMENT 2

- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

*Cultural Resources*

- ~~23.12.~~ (CR-1) **During construction/ground disturbing activities**, the applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied EarthWorks Inc., dated May 2008 and revised December 2008, including retaining a Chumash representative during ground disturbance.
- ~~24.13.~~ (CR-2) Any soil from the embankment that is excavated shall remain on the lot where it originated from or be transported to the approved location as shown on the "Colony Retrieval Site" map dated July 15, 2006. Reburial and relocation of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist who shall also be on site during depositing of materials and/or reburial activities.
- ~~25.14.~~ (CR-3) **Prior to final inspection**, the applicant shall submit the final Phase III monitoring/mitigation report (to be completed by Applied EarthWorks, Inc.) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied EarthWorks, Inc. (May 2008).
- ~~26.15.~~ (CR-4) **During construction/ground disturbing activities**, in the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the department of Planning and Building so proper disposition may be accomplished. If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition and pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (i.e. avoid, rebury).

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*Building Height*

- ~~27.16.~~ The maximum height of the project is 25 feet from average natural grade.

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## ATTACHMENT 2

- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
- b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
- c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

*Geology and Soils*

**28.17.** (GS-1) The applicant shall comply with the recommendations and requirements, or comparable, listed in the submitted Soils Engineering Report and Engineering Geology Investigation for The Colony, Lots 1 and 11, Avila Beach Drive, Avila Beach, San Luis Obispo County, California, GeoSolutions, Inc., March 18, 2013 to include: preparation of building pads, paved areas, pavement design, mat foundation, post-tensioned slabs, slab-on-grade construction, retaining walls.

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**29.18.** All applicable geologic mitigation measures from the GeoSolutions Report, March 18, 2013 geologic evaluation will be shown on the grading and building plans. Compliance will be verified by the project engineering geologist with onsite visits during grading, and verification of all construction documents. Any changes to the requirements requested by the project engineering geologist due to unforeseen site conditions shall be reviewed and approved by the Department of Planning and Building and the project engineering geologist, and shall be shown on all construction documents.

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**Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

**30.19.** Landscaping in accordance with the approved landscaping plan shall be installed before final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

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**31.20.** **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.

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**32.21.** **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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*Cultural Resources*

## ATTACHMENT 2

**33. 22.** Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

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**34. 23.** Prior to final inspection, an easement shall be recorded over the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering as to prohibit any future disturbance of the buried cultural materials. Easement language shall be reviewed and approved by the Department of Planning and Building.

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**35. 24.** Prior to final inspection the applicant shall submit the final Phase III monitoring/mitigation report (completed by Applied Earthworks) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied Earthworks (December 2008).

**On-going conditions of approval (valid for the life of the project)**

**36. 25.** This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

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**37. 26.** All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

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**38. 27.** Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the county.

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ATTACHMENT 4

**REVISED CONDITIONS OF APPROVAL - EXHIBIT D**  
**CONDITIONS FOR TENTATIVE PARCEL MAP CO14-0021**

**Approved Project**

1. This approval authorizes:

- a. ~~Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.~~  
~~Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.~~

**Access and Improvements**

2. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

**Common Use Area Easement**

3. Reserve easements on the map for front and rear yard common use areas to comply with condominium/planned development design requirements.

**Improvement Plans**

4. **Prior to map recordation**, electric, telephone and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

ATTACHMENT 4

**Improvement Maintenance**

6. **Prior to map recordation** the developer shall submit a proposed Constructive Notice for the subdivision to the county Public Works Department for review and approval. The constructive notice shall provide at a minimum the following provisions:
  - a. The maintenance, within the public road right of way and / or any public pedestrian easement adjacent thereto, of the sidewalks, landscaping, and pedestrian amenities fronting each of the separate lots or parcels within the subdivision in accordance with the county Public Improvement Standards shall be solely responsibility of the owner of each of the separate lots or parcels aforesaid and said owner's heirs, executors, administrators, successors and assigns in perpetuity, or until specifically accepted for maintenance by a public agency.
  - b. After approval the Constructive Notice shall be recorded in the office of the County Recorder and a copy of the recorded document submitted to the Public Works Department.

**Utilities**

7. Electric and telephone lines shall be installed underground.
8. Cable T.V. conduits shall be installed in the street.
9. Gas lines shall be installed.

**Vector Control and Solid Waste**

10. **Prior to Recordation** a determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Coastal Zone Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

**Fire Protection**

11. The applicant shall obtain a fire safety clearance letter from Cal Fire establishing fire safety requirements prior to filing the final parcel or tract map.
12. Designate a fire lane within all the driveway areas. This lane to be a minimum width of twenty (20) feet.

**Parks and Recreation (Quimby) Fees**

## ATTACHMENT 4

13. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.

**Additional Map Sheet**

14. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. The additional map sheet shall contain the final conditions of approval for the Development Plan/Coastal Development Permit as they are shown in the Notice of Final Action.
  - b. The additional map sheet shall show the common use areas as an easement across the front and rear yards.
  - c. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Avila Road Improvement Fees for each future building permit in the amount prevailing at the time of payment.
  - d. The applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMPs as identified for project incorporation in the applicant's Stormwater Quality Plan Application for Priority Projects.
  - e. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
  - f. The additional map sheet shall contain the final conditions of approval for the Development Plan as they are shown in the Notice of Final Action.

**Covenants, Conditions and Restrictions**

15. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall establish a home owners association (or otherwise satisfy the requirements of California Civil Code Section 4157) and provide at a minimum the following provisions:
- a. A site plan showing the common use areas.
  - b. Maintenance of landscaping.
  - c. Maintenance of common areas.

ATTACHMENT 4

- d. Maintenance of all driveways.
- e. A common wall or party wall agreement, deed restriction or other enforceable restriction will be recorded.

**Miscellaneous**

- 16. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 17. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary **prior to filing the map.**
- 18. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et seq.
- 19. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

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STANDARD CONDITIONS OF APPROVAL FOR  
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

Field Code Changed

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.



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10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.